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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 540/2017

INDIAN COUNCIL OF ENGINEERS Appellant
Through Mr. D.Bhattacharya, Advocate

versus

UNION OF INDIA & ORS Respondents
Through None

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **16.08.2017**

C.M. No. 28961/2017

Exemption allowed, subject to all just exceptions. The application stands disposed of.

C.M. No. 28962/2017

Additional documents filed by the appellant is taken on record. The application stands dismissed.

LPA No. 540/2017 & C.M. No. No. 28960/2017 (delay)

We are not inclined to issue notice in the appeal and hence there is no purpose in issuing notice in the application seeking condonation of delay.

The appellant has preferred the present appeal to assail the order dated 25th April, 2017 passed by the learned Single Judge

dismissing the appellant's writ petition No. 3555/2017. The appellant had preferred the said writ petition to seek a direction to the respondents No.1 to 3 i.e. Ministry of Human Resource Development and the All India Council for Teacher Education (AICTE) to recognise the courses conducted by the appellant institute, for the purpose of employment in Government and PSUs. Learned Single Judge had dismissed the writ petition on the premise that the appellant had not even made an application to the AICTE or any other competent authority for conducting the engineering courses. The application made by the appellant with AICTE on 20th October, 2016 for grant of approval was still pending consideration. In fact, it transpires from the order of the learned Single Judge that the application made by the appellant was not in the prescribed proforma.

The submission of learned counsel for the appellant is that the order dated 9th February, 2017 issued by the AICTE states that as per its policy, AICTE is not providing equivalence to the qualification obtained from AICTE's approved institutions/departments at any level for higher education purpose as well as for employment purpose. The submission is that neither the MHRD, nor the AICTE are examining the aspect of equivalence. This submission of the appellant is pre-mature. The issue of equivalence would arise only after the appellant has made an appropriate application before the competent authority to seek recognition of its courses. In the present case, the appellant has not made an application in the prescribed proforma of the AICTE. In these circumstances, we do not find any merit in the appeal. The appeal is accordingly dismissed. We make it

clear that in case the appellant makes an application in the prescribed proforma to the AICTE, and any orders are passed by the AICTE on the said application by which the appellant is aggrieved, it shall be open to the appellant to take appropriate steps in accordance with law.

The appeal is dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 16, 2017

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