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

+ **W.P.(C) 5698/2018 & C.M. No.22149-50/2018**

SHRI JAIPAL SINGH SHARMA TRUST AND ANR..... Petitioners

Through: Mr.Gaurav Bhatia with Mr.Kamal
Gupta & Mr.Utkarsh Jaiswal, Advs.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr.Gigi C. George, Sr. Panel Counsel
with Mr.Gaurav Rohilla, Adv. for
R-1.

Mr.Vikas Singh, Sr. Adv. with Mr.T.
Singhdev & Ms.Puja Sarkar, Advs.
for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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25.05.2018

Vide the present petition, the petitioners have impugned an order dated 01.05.2018 whereby respondent No.1 had rejected the petitioner's/institute's application for grant of renewal of permission for admitting the second batch of 150 students in MBBS course for the academic year 2018-2019. The petitioners have also sought a direction to respondent No.1 to grant renewal of permission to the petitioner/Institute for the admission of the said batch.

Learned counsel for the petitioners submits that a perusal of the impugned order in itself shows that the same is an unreasoned order

and a mere reproduction of the recommendations made by respondent No.2. He further submits that under the statutory scheme, the respondent No.1 is expected to apply its independent mind by considering the contentions of the petitioner-Institute as also the recommendations of respondent No.2 and then pass a reasoned order. He submits that the impugned order is in the teeth of various decisions of Supreme Court including ***IQ City Foundation & Anr. Vs. Union of India & Ors.*** Learned counsel for the respondents are unable to dispute the aforesaid factual position. They however, contend that non-giving of any specific reasons in the impugned order merely shows that the respondent No.1 has fully agreed with the recommendation of respondent No.2. They further submit that as per the scheme of the Act, once the respondent No.1 agrees with recommendations made by respondent No.2, there was no requirement of providing any reasons in the impugned order.

On the other hand, learned counsel for the petitioners while refuting the aforesaid, places reliance on a decision of this Court dated 22.08.2017 in ***Shri Durga Maa Shukla & Anr. Vs. Union of India & Ors.*** (W.P.(C) No.6955/2017) and contends that in similar circumstances, this Court had, while remitting the matter back to respondent No.1, directed the respondent No.1 to grant a personal hearing to the petitioner-Institute therein.

Learned counsel for respondent No.1 does not dispute that the decision of this Court in W.P.(C) No.6955/2017 has been implemented. I have considered the submissions of learned counsel for the parties and in my view, the petitioners are entitled to similar

relief and, therefore, I see no reason not to give similar directions to respondent No.1 to grant a personal hearing to the petitioner/Institute while reconsidering its application.

Accordingly, the impugned order dated 01.05.2018 is quashed and the matter is remitted back to the respondent No.1 for reconsideration of petitioner's/Institute's application. In view of the time schedule provided under the Regulations, the respondent No.1 is directed to decide the petitioner's/Institute's application within a period of 5 days, after giving an opportunity of personal hearing to the petitioner/Institute. The date, time and place for personal hearing will be forthwith communicated to the petitioners and its counsel.

Needless to say, in case, the petitioners are still aggrieved, it will be open for the petitioners to take legal recourse as permissible under law. It is made clear that since this Court has not examined the merits of the impugned decision of respondent no.1 or of recommendation and assessment report of respondent no.2, it will be open for the petitioners to challenge the same in an appropriate proceedings, if the need, so arises.

The petition is disposed of in the aforesaid terms. The pending applications also stand disposed of.

A copy of this order be given *dasti* under the signatures of the Court Master.

REKHA PALLI, J

MAY 25, 2018

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