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

+ W.P.(C) 5164/2016 & C.M. Nos.27101/2016 & 25683/2017

SANATAN DHARAM MEWAT
EDUCATIONAL SOCIETY

..... PETITIONER

Through Mr.Kirti Uppal, Sr. Adv. with
Mr.Ravi Datta, Adv. & Mr.Sidharth
Chopra, Adv.

versus

ALL INDIA COUNCIL FOR TECHNICAL
EDUCATION

..... RESPONDENT

Through Mr.Anil Soni, Adv. with Ms.Priyanka
Singh, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (Oral)

1. Vide the present petition, the petitioner institute has challenged the order dated 30.04.2016 passed by respondent vide which the petitioner was placed under 'Withdrawal of Approval' status w.e.f the academic year 2016-17. During the pendency of the present petition, the respondents had consented to re-visit the petitioner/Institute for inspection, which was then conducted on 10th September, 2016, on which date, the Committee had observed as under:-

“* Total land available as per site plan approved by
Competent Authority is 5 Acrs.

- * Infrastructure available is ready and functional in all respect.
- * Built up Area of the Institute is not sufficient as per the approved courses.
- * It is observed that the following courses
 - * PG
 1. Mechanical Engg.
 2. Computer Science
 - * UG
 1. Electronic Communication
 2. Computer Science

have no faculty & students for the session (Year 2015-16).”

2. Mr.Kirti Uppal, learned senior counsel for the petitioner/Institute submits that the observations made by the Expert Visit Committee (EVC) clearly shows that the petitioner had made a categorical statement before the EVC itself that it has already closed Post-Graduate courses in Mechanical Engg. & Computer Science and Under Graduate courses in Electronic Communication & Computer Science, and they therefore had no faculty or students for the same. He, therefore, contends that even though the Committee had observed that the built up area of the institute was not sufficient as per the approved courses, but in case these two courses are excluded, the built up area of the institute was sufficient as per the norms of the respondents, for grant of approval.

3. Mr.Anil Soni, learned counsel appearing for the respondent/AICTE submits that the petitioner’s bald statement was not sufficient for the respondent to come to the conclusion that the petitioner

had closed the aforesaid two courses or that the existing built up area of the petitioner institute would be sufficient for running the Institute if the aforesaid two courses are excluded. He submits that there is a procedure prescribed in the Chapter II of the Approval Process Handbook of AICTE, which prescribes the manner in which courses can be closed by the Institutes. He submits that accordingly the petitioner Institute had to apply and inform the respondent about the closure of the courses by following the prescribed procedure.

4. Learned senior counsel for the petitioner, on instructions, submits that he will do the needful within two weeks. He, however, submits that keeping in view the fact that today is the last date for making online applications, the petitioner may be granted permission to submit its online application.

5. Having heard the learned counsel for the parties, I am of the considered view that in view of the fact that pursuant to the orders passed by this Court an inspection had taken place with the consent of the respondents which inspection report, prima facie, supports the submissions made by learned senior counsel for the petitioner, the present petition deserves to be allowed with liberty to the petitioner to apply under Chapter II of the Approval Process Handbook of AICTE for the year 2016-17 today by depositing the requisite fee as prescribed in the said Chapter. The application would then be considered by respondents on its merits with due regard to the inspection report dated 10.09.2016 and the observation made herein above.

6. It is made clear that the petitioner's application will be processed by the respondents only after the petitioner files the requisite documents to show the two PG and UG courses have been closed in accordance with the format prescribed by the respondents.
7. The writ petition is disposed of in the above terms.
8. Copy of this order be given dasti under the signatures of the Court Master.

(REKHA PALLI)
JUDGE

JANUARY 31, 2018/aa