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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 10.08.2018

W.P.(C) 7168/2018

ERA BUSINESS SCHOOL

..... Petitioner

versus

**ALL INDIA COUNCIL FOR TECHNICAL
EDUCATION**

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Raju Rama Chandran, Senior Advocate with Mr. Amitesh Kumar
and Ms. Binisa Mohanty, Advocates
For the Respondent : Mr. Anil Soni, Standing Counsel with Mr. Abhinav Tyagi, Advocate

**CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL**

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present writ petition under Article 226 of the Constitution of India essentially seeks a writ of certiorari to quash and set aside the impugned order dated 30.04.2018 passed by All India Council For Technical Education (for short 'AICTE'), whereby the AICTE rejected the approval sought on

behalf of the petitioner institute seeking restoration of intake of students in respect of the petitioner institute for the academic year 2018-19.

2. It is asserted on behalf of the AICTE that, despite the dispatch of an e-mail on 15.04.2018 to the address provided by the petitioner institute, the latter remained absent in the hearing granted to them for the purpose of considering grant of permission for restoration of intake of students for the academic session 2018-19 on 18.04.2018.

3. In this behalf, it has been vigorously urged on behalf of Mr. Raju Rama Chandran, learned Senior Counsel appearing for the petitioner institute that, although they had provided two e-mail addresses to the AICTE, the latter chose to dispatch the intimation for the above-stated hearing to them, only on 'director@ebs.ac.in', which was certified by the service provider as non-operational at the relevant period.

4. Predicated on the above circumstance, it is urged on behalf of the petitioner institute that, their right to be heard before the Standing Appellate Committee (hereinafter referred to as 'SAC'), in accordance with law, has been defeated, owing to an inadvertent error.

5. In this view of the matter and having heard learned counsel appearing on behalf of the parties, without prejudice to the rights and contentions, it is

considered just, necessary and appropriate to direct the AICTE to afford the petitioner institute, a hearing before the SAC expeditiously and preferably within a period of ten days from today, in accordance with law.

6. With the above direction, the writ petition is disposed of.

**SIDDHARTH MRIDUL
(JUDGE)**

AUGUST 10, 2018/as



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