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

+ LPA 388/2018

RIYA INTERNATIONAL COLLEGE Appellant
Through Mr. Sanjay Sharawat & Mr. Divyank
Rana, Advocates.

versus

REHABILITATION COUNCIL OF INDIA Respondent
Through Ms. Amita Sharma, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

% **ORDER**
20.07.2018

CM No. 28356/2018

Exemption application is allowed, subject to all just exceptions.

LPA 388/2018 & CM Nos. 28354/2018 & 28355/2018

Having heard learned counsel for the appellant, Riya International College, we are not inclined to interfere with the impugned order dated 6th July, 2018 rejecting and dismissing CM No. 26352/2018 in W.P. (C) No. 6949/2018 filed by them to issue directions to the Rehabilitation Council of India (RCI) to conduct inspection and decide the proposal of the appellant for Academic Session 2018-19 during the pendency of the writ petition.

2. Writ petition with the aforesaid CM No. 26352/2018 was filed on 5th

July, 2018.

3. Circular No. 8-A/Policy (Recog.)/2009/RCI dated 16th October, 2017, was issued for processing of proposals for fresh recognition and extension of recognition of RCI for the academic session 2018-19. These Proposals were to be considered by deputing visiting experts to ascertain genuinity and compliances. One of the requirement was that applications should be submitted with the RCI by 7th November, 2017 and should be supported by no objection certificate from the State Government issued on or before 31st October, 2017. Circular had clearly stated that in no case these two dates would be extended.

4. The appellant accepts that the State Government had issued the no objection certificate to the appellant on 7th March, 2018. Hence, their proposal was not considered in terms of the circular.

5. In view of the aforesaid position, learned single Judge was right in observing that the appellant had belatedly approached the Court at the last moment and, therefore, it would not be proper to issue interim directions as prayed in CM No. 26352/2018.

6. Appellant has raised a contention regarding interpretation of Regulation 24 of the Rehabilitation Council of India Regulations, 1997 and

urged that the circular violates sub-regulation 9 to Regulation 24. The contention would require interpretation of Regulation 24. It would not be appropriate and proper to accept the interpretation placed by the appellant and by an interim order direct admission of students, as this could create difficulties in case subsequently the writ petition is dismissed. There could be many other cases of similar nature. We do not think, therefore, in the present appeal, at this stage, when examinations have already held and results are awaited, it will be just and proper to issue any direction to the RCI to conduct inspection and grant permission to the appellant to admit students. Inspection and grant of permission, etc. are serious matters, which would require thorough and in-depth verification and consideration.

7. With the aforesaid observations, the appeal is dismissed.

8. We clarify that the observations made in this order are for disposal of the present appeal and the single Judge while deciding and adjudicating the writ petition on merits would not be influenced by the present order.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

JULY 20, 2018
VKR