

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17224 of 2017

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1. Exalt Educational Trust, registered office 311/A, Ashiyana Tower, Exhibition Road, Patna through its Chairman, Deepak Kumar,
 2. Deepka Kumar, Son of Shri Guneshwar Prasad, resident of 311/A, Ashiyana Tower, Exhibition Road, Patna, P.S.- Gandhi Maidan, District- Patna, Chairman, Exalt Educational Trust as well as Exalt College of Polytechnic.
 3. Exalt College of Engineering and Technology Kanhauli, P.S.- Mahuwa, District- Vaishali Hajipur through its Chairman Deepak Kumar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Science and Technology Department, Government of Bihar, Patna.
3. The Vice- Chancellor, Aryabhat Knowledge University, Bihar, Patna.
4. The Registrar, Aryabhat Knowledge University, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandit, Advocate
For the Respondent/s : Mr. Pushkar Narayan Shahi -AAG-6

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-07-2019 The only issue involved in the present writ petition is that whether the institution has necessary approval of the All India Council for Technical Education (AICTE) for imparting instruction in B.Tec. Marine Engineering Course.

Learned counsel for the petitioners submits that AICTE is the Apex Statutory Body competent to grant permission to start engineering course and the institution in question was granted permission to start B.Tec. Course in 5 Courses including Marine Engineering Course but the Aryabhat Knowledge University is not allowing the institution affiliation for conducting Marine Engineering Course.

If the institution in question enjoy the permission of



the AICTE then the Aryabhat Knowledge University cannot refuse to grant affiliation to the institution for conducting Marine Engineering Course in view of the series of judgments of the Apex Court that standard for imparting technical course is within the realm of Apex Body like AICTE and where the Apex Body is satisfied as to infrastructure and granted permission, the Aryabhat Knowledge University is required to take care of the decision of the Apex Body and take appropriate decision accordingly.

Considering the totality of the fact situation, the Aryabhat Knowledge University is directed to take appropriate decision with regard to grant of affiliation to the institution in question for imparting instruction in the Course in the light of the decision of the AICTE granting permission. Necessary decision in this regard must be taken by the respondents at the earliest preferably within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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