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

+ WP(C) 4406/2019

RIYA INTERNATIONAL COLLEGE Petitioner
Through Mr. Sanjay Sharawat with
Mr. Divyank Rana and Mr. Ashok
Kumar, Advs.

versus

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
..... Respondents
Through Mr. Abhinav Tyagi, Adv. for Mr.
Anil Soni, SC, AICTE.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **26.04.2019**

CM Appln. No.19582/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

WP(C) No.4406/2019 & CM APPLN. No.19581/2019

3. Issue notice. Learned counsel appearing for the respondent accepts notice.
4. The petitioner has filed the present petition, *inter alia*, impugning a report dated 16.04.2019 passed by the Standing Appellate Committee (SAC), whereby it has declined to grant approval to the petitioner for conducting a course of Diploma in Pharmacy and Bachelor of Pharmacy with an intake of 60 and 100 seats, respectively, for the academic session 2019-20. It is seen from the report that the petitioner's application has been

rejected by SAC for three reasons: (i) that the certificate issued by an Advocate has been submitted but not accepted;(ii) that the Rent Agreement submitted by the petitioner is not acceptable as per the norms; (iii) that there is no resolution passed by the petitioner for the allocation of land for the proposed institution.

5. Mr. Sharawat, learned counsel appearing for the petitioner submits that none of the three reasons are sustainable. He submits that an Advocate's certificate in the prescribed form was submitted, therefore, there is no ground to reject the same.

6. In so far as resolution of the land for the institution is concerned, he submits that the resolution for the allocation of the land was duly submitted, and the same was accepted by the Committee in the first round.

7. Lastly, he submits that the petitioner had submitted the Sale Deeds for the land in question and therefore, SAC could not reject the same on account of the Rent Agreement executed by Mr. Vinod Kumar. Mr. Sharawat further submits that the Sale Deed for the land in question, in favour of the petitioner / society, had been submitted, however, the same was objected to since the Sale Deed was in the name of *“Vinod Kumar Singh S/o Shri Gajadhar Singh resident of Kalyanpur, Pargana and Tehsil Koil, District Aligarh and presently resident of Pushp Vihar Colony, Mathura Road, Aligarh through the Chairman, Grameen & Shahri Welfare Institute, Aligarh”*. He submits that the land was purchased by the society, however, the Conveyance Deed was erroneously made in the name of Mr. Vinod Kumar. He states that in the aforesaid view, the Sale Deed was rectified by another registered Deed which clearly indicated the petitioner society to be the purchaser. He states that the same was also submitted to the concerned

Scrutiny Committee. Notwithstanding the same, the SAC was of the view that there was confusion, and to avoid the same, the petitioner had presented a Rent Deed executed by Mr. Vinod Kumar in favour of the society.

8. Insofar as other aspects are concerned, SAC had not examined the same, in view of the alleged deficiencies found in respect of the land documents.

9. In the aforesaid facts, this Court considers it apposite to set aside the decision of SAC, and remand the matter to SAC to consider it afresh. The petitioner shall appear through its authorized representative before SAC at 12:00 noon on 27.04.2019, along with the originals of the documents evidencing the title of the land in favour of the petitioner, as well as the other documents. It is clarified that the petitioner does not rely on the rent agreement executed by Mr Vinod Kumar, and the SAC has to consider whether the Sale Deeds and the rectification deed reflect the petitioner society to be the owner of the land in question.

10. The petitioner shall also produce other documents which according to the petitioner, were submitted earlier and had been accepted. SAC is directed to consider the same and take an appropriate step in accordance with law.

11. The petition is disposed of in the above terms. The pending applications are also disposed of.

8. Order *dasti* under the signatures of the Court Master.

VIBHU BAKHRU, J

APRIL 26, 2019/ DR