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

CM APPLs. 685/2019, 686/2019, 702/2019, 703/2019 in

+ W.P.(C) 9931/2018

ECHELON INSTITUTE OF TECHNOLOGY Petitioner
Through: Mr. Pawanshree Agarwal, Adv. with
Mr. Deepanshu Jain, Adv.

versus

ALL INDIA COUNCIL OF TECHNICAL
EDUCATION AND ORS. Respondents
Through: Mr. Abhinav Tyagi, Adv. for
Mr. Anil Soni, SC for AICTE
Mr. B.S. Shukla, CGSC for UOI

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR
ORDER
% **09.01.2019**

CM APPLs. 686/2019 for exemption) and 703/2019 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

CM APPLs. 685/2019 & 702/2019

1. CM APPL685/2019 seeks quashing of the following notice dated 21st December, 2018, passed by the All India Council of Technical Education:

“AICTE/PGRC/EIT/2018/6209

Date: 19.02.2018
21.12.18

To,

The Principal,
Echelon Institute of Technology (EIT)
Jasana, Manjhawali Road, Kabulpur
Faridabad Haryana- 121101

Sub:- Complaint against Echelon Institute of Technology (EIT) Faridabad.

Sir,

This is with to complaints dated 12.03.2018 & 09.06.2018 (Copies enclosed) received from Sh. Kedar Bansal r/o H. No. 3274, Sector-ISA, Noida - 201301 U.P. on the above subject. In this connection it is stated that the said complaint was placed again before Standing Complaint Scrutiny Committee (SCSC) meeting held on 13th November, 2018 at AICTE. The Committee made following recommendations:-

“The Complainant was heard on the allegations made in the complaint dated 09.06.18. He has restricted his arguments on the following two points:-

1. That the Institute had charged excess fee from the students than the fee prescribed by the Fee Determination Committee in the year 2013-14, 2014-15, 2015-16 and 2016-17.
2. That as on today the Institute does not have qualified and experienced Principal as per AICTE norms.

Notice be given to the Institute to file reply with supporting documents on the two issues on or before next date of hearing.

The next date of hearing/sitting shall be fixed by the office and notice of the same be given to both parties to appear before the committee to present their case with all supporting documents.”

In view of the above, you are requested to appear before the SCSC meeting scheduled to be held on 10th January, 2019 at 10:00 a.m. in AICTE Office, Nelson Mandela Marg, Vasant Kunj New Delhi along with reply and supporting documents, if any.

Yours faithfully,

(Narender Singh)

Dy. Director (PGRC)”

End. as above

2. The two aspects, regarding which the appearance of the petitioner has been directed, by the aforementioned notice, are based on complaints dated 12th March, 2018 and 9th June, 2018, received from Sh. Kidar Bansal, and are (i) alleged charging of excess fee, by the petitioner, from its students, for the academic years 2013-2014, 2014-2015, 2015-2016 and 2016-2017 and (ii) the alleged lack of necessary qualification and experience, by the Principal of the petitioner institute.

3. Learned counsel, appearing for the petitioner, submits that the complaint, dated 12th March, 2018, which is the basis of the afore-extracted letter, is also the genesis of the controversy in the writ petition.

4. He has drawn my attention to the declaration by the Standing

Appellate Committee (SAC) dated 5th April, 2018, as well as the report of the SAC dated 10th April, 2018.

5. He has also candidly acknowledged that the action taken against his client, for reduction of number of seats, which forms subject matter of dispute in the writ petition, was *not* based on the above two allegations of charging of excess fee and want of qualification of the Principal – regarding which, *prima facie*, observations had been entered, in favour of his client, by EVC – but on other grounds.

6. That being so, it is clear that the issues forming subject matter of controversy in the writ petition do not revolve around the alleged charging of excess fee by the petitioner and the alleged want of requisite qualifications by its Principal.

7. In view thereof, this miscellaneous application raises disputes which are not linked to the controversy in the writ petition and cannot, therefore, be maintained by way of an application, in the writ petition.

8. Accordingly, reserving the liberty to the petitioner to avail appropriate remedies, as are available to him in law, the present miscellaneous applications are dismissed as not maintainable.

C.HARI SHANKAR, J

JANUARY 09, 2019/dsn