

#S-19

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 26.11.2020

LPA 358/2020

**GLOBAL EDUCATIONAL AND SOCIAL
TRUST**

.... Appellant

versus

**COUNCIL OF ARCHITECTURE THROUGH
ITS REGISTRAR & ORS.**

..... Respondents

Advocates who appeared in this case:

For the Appellant : Mr. Yashpal Rangi, Advocate

For the Respondents : Mr. Naveen R. Nath, Advocate for R-1

Mr. Naresh Kaushik, Advocate for R-3

**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE TALWANT SINGH**

JUDGMENT

SIDDHARTH MRIDUL, J. (Open Court-via Video Conferencing)

The present matter has been taken up for hearing by way of Video Conferencing on account of COVID-19 pandemic.

CM APPL.30408/2020 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

**LPA 358/2020, CM APPL.30407/2020 (For Interim Relief) & CM
APPL.30409/2020 (For Additional Documents)**

1. The present Letters Patent Appeal under Clause X of the Letters Patent Act, read with provisions of the Delhi High Court Rules, has been instituted on behalf of the appellant, praying as follows:-

- “i) declare the impugned order dated 11/11/2020 passed by Ld. Single Judge in W.P.(C) No. 8269/2020 to the extent interim relief was not granted till next date of hearing or during the pendency of the writ petition, as arbitrary and unjustified; and
- ii) quash and set the impugned order dated 5/10/2020 passed by R-1 being arbitrary and illegal; and
- iii) direct the Respondent Council to grant extension of approval for 5 year full time Bachelor of Architecture degree course for academic session 2020-21 for intake of 40 students; and further direct the Respondent Council not to transfer the already enrolled students with Appellant to other Institutions; and
- iv) Allow the LPA with cost.
- v) Pass such other and further orders/directions as may be deemed fit and proper by this Hon’ble Court in the facts and circumstances of the case.”

2. By way of the present Letters Patent Appeal, the appellant assails an interlocutory order dated 11.11.2020, rendered by the learned Single Judge in W.P.(C) No.8269/2020, whereby, whilst issuing notice in the said proceeding, an application being CM APPL. 26793/2020, seeking ad-interim relief was not granted, at that stage.

3. The appellant is an institution that, *inter alia*, conducts 5-year full-time Bachelor of Architecture Degree Course (for short ‘B.Arch. Course’); in terms of the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983. The subject writ petition essentially assails an order dated 05.10.2020, passed by the Council of Architecture/respondent No.1 herein.

4. By way of the said order dated 05.10.2020, the respondent No.1

has, *inter alia*, directed as follows:-

“ The Executive Committee, after perusing the information submitted by your institution regarding the faculty and other infrastructure facilities, noted serious deficiencies in the conduct of 5-year B. Arch. Degree course at your institution in terms of Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983 which are as follows:

- The institution is seriously lacking in the required number of faculty.
- The severe deficiency in required cadre-wise faculty at the institution, based on the total sanctioned intake during past 5 years, in terms of Regulations 1983, was found as per the table below:

Faculty Post	Faculty Requirement as per 1983 Regulations	Faculty available as per institution	Qualified faculty available as per 1983 Regulations	Deficit of Faculty
Principal	1	1	1	0
Professor	5	1	1	4
Associate Professor	10	1	1	9
Assistant Professor	19	10	2	17

- The institution is short of 4 Professors and 9 Associates Professors. There is acute shortage of senior faculty.
- The institute has only 2 eligible Assistant Professors since other 8 Assistant Professors have only one year experience and are not eligible as per 1983 Regulations. The shortage of Assistant Professors is therefore 17.

The Executive Committee also perused the list of faculty members submitted by the institution for the academic session 2019-20 and noted that the institution had shortage of faculty even during the said

session. Institution had been short of 2 Professors, 4 Associate Professors and 12 Assistant Professors (as against the total requirement of 1 Principal, 2 Professors, 6 Associate Professors, 17 Assistant Professors) in terms of Minimum Standards of Architectural Education, 2017 adopted by the council during 2019-20. It may be reason why the institution did not apply for extension of approval for 2019-20 as it had been imparting deficient education in absence of required faculty.

The Executive Committee therefore observed that the institution had been imparting deficient architectural education to its existing students since 2019-20, adversely affecting their career and future prospects. The institution is therefore not fit to impart B. Arch. Degree course and must not be allowed to run the course with immediate effect. The institution had only 6 and 9 admissions in the course during 2018-19 and 2017-18 respectively.”

5. In the present appeal, the challenge is to the denial of grant of ad-interim mandatory injunction interdicting the respondent No. 1 from giving effect to the order dated 05.10.2020, which is the subject matter of the challenge in the subject writ petition.

6. Having heard learned counsel appearing on behalf of the appellant and perused the impugned Order dated 11.11.2020 and in particular, the circumstance that, the appellant admittedly did not apply for extension of approval for the subject course for the academic year 2019-20, as well as, the circumstance that, it is stated to have been imparting deficient education in the absence of the requisite faculty, as well as, the situation attendant to the effect that the National Aptitude Test of Architecture (for short ‘NATA’), which

is the *sine qua non* for admission of students to the subject course, has already been held and no admission can therefore, be made by the appellant, at this stage, we are of the considered view that the Appeal is devoid of merit and liable to be rejected.

7. Before parting, it is incumbent upon this Court to point out that the scope of judicial review in relation to expert bodies dealing with the accreditation of institutions imparting education and professional courses, is within a narrow compass. The Court can interfere with the legality of the opinion rendered by such expert bodies, but cannot substitute its opinion for that of the expert bodies in relation to essential pre-qualifications requisite under the law, unless and until the decision of an expert body is manifest with Wednesbury unreasonableness. In other words, the Court does not sit in appeal over the decision of the expert body, on requirements pertaining to eligibility of educational institutions, for affiliation/recognition, unless they have acted contrary to law or their decision is characterized by perversity.

8. We are therefore, of the view that, the impugned interlocutory order dated 11.11.2020, does not suffer from any irregularity or so as to warrant any interference in the present Appeal.

9. The Letters Patent Appeal is accordingly dismissed. The pending applications also stand disposed of.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

NOVEMBER 26, 2020
rs/danish

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[Click here to check corrigendum, if any](#)