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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3785/2020
SHRI GYAN SIKSHA MAHAVIDYALAYA Petitioner
Through Mr.Ravi Kant and Mr.Mayank
Manish, Advs.

versus
ALL INDIA COUNCIL FOR TECHNICAL
EDUCATION Respondent
Through Mr.Anil Soni, Standing Counsel with
Mr.Devesh Dubey, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **02.07.2020**

CM APPL. No.13578-13579/2020(exemptions)

Applications are allowed subject to all just exceptions.

W.P.(C) 3785/2020 & CM APPL. No.13577/2020

1. This hearing is conducted through video conferencing.
2. This writ petition is filed seeking following reliefs:
 - “(a) This Hon'ble Court may quash the impugned recommendation as made by the Standing Appellate Committee report of AICTE dated 13.06.2020 and Standing Appellate Committee Scrutiny; and/or
 - (b) This Hon'ble Court may direct the AICTE to give a hearing to the petitioner and to pass the speaking order after considering the documents; and/or
 - (c) This Hon'ble Court may issue an appropriate writ order or direction to AICTE to issue letter of approval for session 2020-2021.”

3. The case of the petitioner is that it is an institution seeking approval from the All India Council For Technical Education (*hereinafter referred to as the 'AICTE'*) for Post Graduate Diploma in Management (*in short the 'PGDM'*) for the session 2020-2021. It is the contention of the petitioner that it is ready with all the infrastructural and instructional facilities for starting the said PGDM course as per norms of the AICTE. However, it is pleaded that due to the procedural error in the processing of the application of the petitioner for approval, the Standing Appeal Committee of the AICTE has on 13.06.2020 through video conferencing without looking into the documents wrongly rejected the application of the petitioner. It is pleaded that all that the petitioner seeks is a chance of re-hearing by the AICTE for looking into the documents presented by the petitioner.

4. A perusal of the impugned recommendation which has been passed by the AICTE on the application of the petitioner shows that the ground for rejection of the application of the petitioner is as follows:

“Document presented but not accepted as the approval no. and date of approval for section and elevation drawing issued by competent authority is missing. Deficiency still exists.”

Hence, it appears that the AICTE has rejected the application of the petitioner in view of the fact that the approval of the section and elevation drawing do not indicate the approval number and the date of approval.

5. Learned counsel for the petitioner submits that the documents were scanned on the cell phone and were sent to the respondent. He submits that in the process of scanning there may have been some mistakes or inadvertent errors and hence he submits that the petitioner may be given

another opportunity to present the said documents to the respondent and his matter may be considered afresh. He has also taken me through the document in question, which is the plan for section and elevation drawing. This document is at page 59 of the writ petition.

6. A perusal of the said document, which is at page 59 of the writ petition, shows that the column approved is duly signed and stamped by the concerned official though the stamp is not very legible. *Prima facie*, it seems that the said drawings have been duly approved by the concerned authority.

7. On the last date of hearing this court had requested to the learned counsel for the respondent to take instruction as to whether a fresh hearing can be given to the petitioner. Learned counsel for the respondent submits that his instructions are that the respondent has taken a decision based on the document that was provided by the petitioner and hence it is not possible to change the decision.

8. In my opinion, there *prima facie* is an approval that exists of the concerned drawings. Merely because of scanning of the document there remained some lacunae or some deficiency, the claim of the petitioner cannot be rejected. In my opinion, it would cause great prejudice to the petitioner if the application of the petitioner is rejected merely on procedural grounds. Accordingly, it would be in the interest of justice that the petitioner is given a fresh hearing.

9. Let the petitioner upload properly the concerned drawings which clearly shows the date of the approval of the drawing and the approval number. Needful be done within one week from today. One week thereafter, the Standing Appeal Committee shall give a fresh hearing through video conferencing to the petitioner. The said Standing Appeal Committee will

then dispose of the case of the petitioner as per law uninfluenced by its previous report dated 13.06.2020.

10. Nothing further survives in this petition. The same is accordingly disposed of. All pending applications, if any, are also disposed of.

JAYANT NATH, J.

JULY 02, 2020/v