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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5012/2020 and CM No. 18058/2020
DEEN DAYAL RUSTAGI COLLEGE OF
PHARMACY Petitioner
Through Mr.Sanjay Sharawat, Adv.

versus

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

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **19.08.2020**

1. This hearing is conducted through video conferencing.
2. This writ petition is filed by the petitioner seeking the following relief:

“[a] Issue a writ of mandamus and direct the respondent to issue to the petitioner a Letter of Renewal of Approval for "Diploma in Medical Laboratory Technology" [DMLT] course for academic year 2020-21 at the earliest and preferably before 10.08.2020 to enable it to seek affiliation before 15.08.2020 and start the course for the said academic year.”

3. The case of the petitioner is that on 29.04.2014 AICTE granted approval to the petitioner for two courses, namely, Diploma in Pharmacy and Diploma in Medical Lab Technology (*hereinafter referred to as the 'DMLT'*). In 2018, the petitioner also received an approval for Bachelor of Pharmacy.
4. It is pointed out that the Supreme Court vide its order dated

05.03.2020 passed in T.P.(C) Nos.87-101/2014 held that for pharmacy courses the institutions will have to obtain approval from the Pharmacy Counsel of India (*hereinafter referred to as the 'PCI'*) and AICTE had no jurisdiction in such courses. Thus the jurisdiction of AICTE in respect of pharmacy courses was done way.

5. It is stated that on account of the present pandemic, AICTE issued a revised academic calendar for academic year 2020-21 and extended the last date for admitting the students from 15.08.2020 to 15.10.2020. It is stated that according to the revised schedule by AICTE, the renewal of approval for DMLT course was to be done by 30.06.2020.

6. The grievance of the petitioner is that despite having applied for renewal of approval of the DMLT course, the same was not done. The petitioner states that it was explained to AICTE that the said course DMLT does not fall within the jurisdiction PCI since the beginning and hence it is AICTE that has to give approval. As AICTE has not taken any steps, the present writ petition has been filed.

7. In the counter affidavit, it is stated that the petitioner pursuant to a communication from the respondent, had submitted an application and sought withdrawal of the approval for the pharmacy courses. It is also admitted that the petitioner institute has been getting approval from the said respondent for conducting the DMLT course since 2014-2015 and has also got approval for the academic year 2019-2020.

8. It is clear from the aforesaid counter affidavit that the respondent does not deny that it is the respondent who is responsible for carrying out renewal of extension of approval for the DMLT course. It is also admitted that the approval has been granted upto 2019-2020. It is also admitted that an

application for renewal has been filed by the petitioner. It has also been confirmed by the learned counsel for the respondent that the communication dated 14.03.2020 by which the petitioner had sought withdrawal of TER charges of Rs.30,000/- related to only two pharmacy courses and did not deal with the course in question.

9. It appears from the facts on record that there are no plausible reasons or explanations given as to why the extension of approval was not granted to the petitioner. It appears that on account of the changed situation, AICTE has inadvertently not processed the application of the petitioner for which the petitioner cannot be made to suffer. This is especially so as the course in question has been run by the petitioner since 2014 uninterruptedly.

10. In view of the above, the respondent is directed to give the extension of approval forthwith as per law to enable the petitioner to participate in the counselling for the academic year 2020-21 for the said course. All consequential steps would also be taken by the respondent.

11. With the above directions, the present petition is disposed of. All pending applications, if any, are also disposed of.

JAYANT NATH, J.

AUGUST 19, 2020/v