

17.08.2021
SL No. 10
Court No. 24
(P.M.)

WPA 12538 of 2021

**Sylvan Polytechnic College & Anr.
Vs
Union of India & Ors.
(Via Video Conference)**

Mr. Indranil Nandi,
Mr. Sayak Konar
... for the petitioners

Mr. Arijit Bakshi
... for respondent No. 1

Mr. Debu Chowdhury,
Ms. Chitrangada Paul
... for respondent No. 2 to 5

The petitioner No. 1 is a polytechnic college represented by the Chairman being the petitioner No. 2.

All India Council for Technical Education (AICTE) is the body which approves the Course of the college. The approval is given on yearly basis. For the year 2021-22 the petitioners were directed to submit the necessary documents in January, 2021 in online mode. The petitioners submitted the documents but according to AICTE there were deficiencies in certain documents. The petitioners again uploaded all the documents online as the educational institutions were closed during the pandemic. AICTE was not convinced with the documents uploaded by the petitioners.

A notice was published by AICTE for extension of the last date for application for approval for the session 2021-

22. The date has been extended till 24th April, 2021 for submission of online application. The last date for submission of online application with penalty for extension of approval based on self-disclosure for existing institutions was permitted up to 29th April, 2021. On 28th April, 2021 the petitioners uploaded the documents along with penalty. A receipt was issued in favour of the petitioners accepting deposition of Rs. 2,42,000/- only on 28th April, 2021.

The last date for approval was 15th July, 2021. By a communication dated 15th July, 2021 the petitioners have been informed that the institute representative attended the SAC (Standing Appellate Committee) meeting, however, he was unable to present any document/proof in compliance with the deficiencies noted by SHC (Standing Hearing Committee) dated 6th March, 2021 and subsequently by SAC, hence deficiencies still exist. The Committee affirmed recommendations of SHC dated 6th March, 2021 and SAC and recommended that the institution be placed under 'no admission category' for the academic year 2021-22.

According to the petitioners the concerned authority did not take into consideration the application made for restoration of admission submitted by the petitioners on 28th April, 2021.

The learned advocate appearing on behalf of AICTE submits that since the petitioner no. 1 is an existing institution the process for getting the approval is well known to the institution. There were deficiencies in the

documents uploaded by the petitioners. Time was granted for rectification of the deficiencies which the petitioners failed to do and accordingly the institution has rightly been brought under the 'no admission category' for the academic year 2021-22.

It appears from the documents annexed to the writ petition that the impugned order passed by the Chief Administrative Officer of AICTE speaks about the SHC meeting on 6th March, 2021. It does not reflect that the application of the petitioners for restoration of admission which was submitted on 28th April, 2021 was taken into consideration.

The learned advocate for AICTE has not been able to produce any paper evidencing that the subsequent documents which were submitted by the petitioners at the time of filing application for restoration of admission were taken into consideration prior to passing the impugned order and rejecting the prayer of the petitioners for extension of approval and placing the Institution under the 'no admission category' for the academic year 2021-22.

In view of the above the instant writ petition is disposed of by directing the Chief Administrative Officer being the respondent No. 4 herein to consider the prayer of the petitioners for extension of approval after taking into consideration the application filed by the Institution for restoration of the intake process/admission submitted by the Institution on 28th April, 2021. The aforesaid respondent

shall consider the case of the petitioners at the earliest, but positively within a period of fourteen days from the date of communication of a copy of this order. If the aforesaid respondent is of the opinion that the deficiencies pointed out by AICTE have duly been taken care of and rectified by the Institution, then necessary consequential steps shall be taken by the said respondent.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)