

22.06.2023

MAT 620 of 2023
With
CAN 1 of 2023
All India Council For Technical Education
-Vs-
Sylvan Polytechnic College & Ors.

Mr. Debu Chowdhury
Mr. Dipanjan Karmakar

... for the Appellant

Mr. Indranil Nandi
Mr. Sayak Konar

... for the Writ Petitioner/Respondent

Party/Parties is/are represented in the order of their name/names as printed above in the cause title.

At issue in this appeal is the question of grant of Academic Approval to the College-in-issue going by the name and style of Sylvan Polytechnic College (hereinafter referred to as the said College).

The said College is affiliated to the All India Council for Technical Education (for short, AICTE). The AICTE grants Academic Approval to the said College for enrolling the students for technical education from year to year.

It has been argued by Mr. Chowdhury, Learned Counsel appearing for the AICTE, that the deficiencies in the standard to be maintained by the said College for imparting education have been noticed ever since the College was first granted recognition in the year 2017.

It is submitted that particularly from 2021 for

the Academic Session 2021-2022 and, thereafter for the Academic Session 2022-2023, the AICTE did not extend the Academic Approval to the said College in view of the persisting deficiencies.

However, when the said College approached this Court, the Academic Approval was granted for the year 2021-2022 and for the year 2022-2023 on the undertaking given by the said College that they shall remove the persisting deficiencies within a specified period of time. In issue before this Court now is the question of granting Academic Approval for the Academic Session 2022-2023.

Particularly, before this Court in this appeal today, is the Academic Session 2022-2023.

By the Order of the Hon'ble Single Bench dated 3rd March, 2023 in WPA 27647 of 2022, a Standing Appellate Committee (for short, SAC) was constituted under Orders of the Hon'ble Court by AICTE with a retired Judge of this Hon'ble Court appointed as the Chairman of the SAC. The Report of the SAC has been placed before this Court. Such Report was also placed before the Hon'ble Single Bench.

From the said Report (*supra*), it transpires that in respect of the deficiencies, which still persist, the said College has given an undertaking to remove such deficiencies within six months. Such undertaking was accepted by the SAC and was also not interfered with

by the Hon'ble Single Bench *vide* the Order impugned in this appeal dated 27th March, 2023.

Mr. Chowdhury, Learned Counsel, makes the further point that the deficiencies still noticed in the running of the said College, have now spread over into the next Academic Session 2023-2024 beginning 1st April, 2023 to the 31st of March, 2024.

It is submitted that in the event the period of six months is granted to the said College to continue with the said deficiencies, i.e. March, 2023 to September, 2023, such deficiencies which were for the Academic Year 2022-2023, shall be carried over to a substantial portion of the next Academic Session, 2023-2024.

Accordingly, Learned Counsel for the AICTE submits that there is an error in the acceptance by the Hon'ble Single Bench of the undertaking given by the said College before the SAC of clearing their deficiencies within a period of six months and such phenomenon has been a regular feature of the said College since the time of its recognition in 2017.

It is submitted and, correctly so to the mind of this Court, that in the event the said deficiencies are allowed to spill over into the Academic Session 2023-2024, the students of the said College will be the worst sufferers.

Per contra, Mr. Nandi, Learned Counsel arguing for the said College, submits that the issue of

deficiencies has been reported, particularly emerged after Covid 2019. It is submitted that it is not the case that the said College has not removed a number of the said deficiencies as reported.

It is also pointed out that the said College has undertaken to remove the said deficiencies before the SAC, which has been correctly accepted by the Hon'ble Single Bench.

It is pointed out that the process of granting Academic Approval having been now converted to the online mode, the said College has been put into a quandary from time to time with regard to the requirements of the AICTE thereby preventing the said College from addressing the deficiencies in a time bound and organised manner.

Having heard the parties and closely considering the materials placed, this Court finds justification in the stand of the AICTE that the situation emerging out of the said College functioning with deficiencies now for over two years cannot be sustained. This Court also finds further justification in the stand of the AICTE that in the event the said College is allowed to function on the basis of the undertaking for another six months, a substantial period of the next Academic Session 2023-2024 shall be consumed in the process to the detriment of the students.

Accordingly, this Court directs that the AICTE

shall conduct an inspection of the said College at the end of four weeks and in the event the said deficiencies are not removed by the said College, the AICTE shall be entitled to take consequential steps.

The Order of the Hon'ble Single Bench impugned in this appeal stands accordingly modified.

Since the materials connected to this *lis* as placed before the Hon'ble Single Bench are also placed before this Court by way of an application connected to this appeal, on the basis of which extensive arguments have been advanced by the parties, no further Affidavits are called for and other allegations made are deemed not to have been admitted by the parties.

MAT 620 of 2023 along with **CAN 1 of 2023** stand accordingly **disposed of**.

Affidavit-of-service filed be retained with the record.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J.)