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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2065/2020**

VINAYAK POLYTECHNIC COLLEGE Petitioner

Through: **Mr. Chandrashekhar Singh, Advocate**

versus

ALL INDIA COUNCIL FOR TEACHER EDUCATION

..... Respondent

Through: **Mr. Devvrat Yadav, Advocate for**
Mr. Anil Soni, CGSC for UOI

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Date of Decision: 1st May, 2023

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

MANMOHAN, J: (ORAL)

CM APPL.21707/2023

1. Present application has been filed for early hearing.
2. Issue notice.
3. Mr. Devvrat Yadav, Advocate accepts notice on behalf of respondent. He has no objection to the present writ petition be taken up for hearing forthwith.
4. Accordingly, with consent of parties, the present application is allowed and the matter is taken up for final hearing.

W.P.(C) 2065/2020

5. It is pertinent to mention that present writ petition has been filed seeking quashing of All India Council for Technical Education (Grant of Approval for Technical Institution) Regulations, 2020 issued by the Respondent-All India Council for Technical Education ('AICTE') to the extent that Clause 3.2 of said Regulations prohibits approval to a new technical institution at diploma / under-graduate / post-graduate level in engineering and technology course. Petitioner has also sought quashing of public notice dated 06th February, 2020 issued by the Respondent-AICTE to the extent that it does not invite applications for establishment of new technical institutions at the diploma / under-graduate / post-graduate level in engineering and technology course from the relevant next academic session, on the ground that the same is contrary to recommendations of its own committee, *ultra vires* its own Act of 1987 and also in violation of Articles 14 and 19 of the Constitution of India. Further, Petitioner has also sought direction to the respondent to accept the application of Petitioner and grant approval for new diploma / polytechnic in engineering and technology course for the relevant next academic session.

6. Learned counsel for the Petitioner states that Respondent-AICTE has recently notified a public notice for approval process 2023-24 and also the Approval Process Handbook ('APH') 2023-24, in terms whereof, the application of the petitioner-institution pending with the Respondent-AICTE is required to be processed by the AICTE without any further delay.

7. He emphasises that the fresh public notice dated 21st March, 2023 does not impose any moratorium in making the fresh applications, as was imposed by the previous public notice, which was challenged by way of the

present writ petition.

8. Mr.Devvrat Yadav, Advocate appearing on behalf of Mr.Anil Soni, learned counsel for the Respondent-AICTE, on instructions, states that AICTE shall process the application filed by the petitioner in accordance with law on or before 30th June, 2023.

9. Consequently, the present writ petition is disposed of with a direction to the Respondent-AICTE to process and decide the application of the petitioner for grant of approval for the academic session 2023-24 on or before 30th June, 2023.

10. Needless to say that the application of the petitioner shall be decided on its own merits without being influenced by any observation made by this Court.

MANMOHAN, J

SAURABH BANERJEE, J

MAY 1, 2023
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