IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 26845 OF 2024 (EDN-RES)

BETWEEN:

1. DR. M. V. SHETTY MEMORIAL TRUST,
HAVING ITS OFFICE AT
A.B. SHETTY CIRCLE,
MANGALORE-575 001,
REPRESENTED BY ITS CHAIRMAN
PROF. HIMA URMILA SHETTY,
D/O K. LAKKANNA BHANDARY,
AGED ABOUT 75 YEARS.

2. DR. M.V. SHETTY COLLEGE OF
SPEECH AND HEARING,
MALADI COURT, KAVOOR,
MANGALORE 575 001,
REPRESENTED BY ITS PRINCIPAL,
SRI. SATISH. K,
S/O KUMARASWAMY,
AGED ABOUT 46 YEARS,

...PETITIONERS

Digitally signed by SHWETHA RAGHAVENDRA
Location: HIGH COURT OF KARNATAKA

(BY SRI. K. SHRIHARI, ADVOCATE)

AND:

1. REHABILITATION COUNCIL OF INDIA
REP. BY ITS SECRETARY,
A STATUTORY BODY UNDER MINISTRY OF
SOCIAL JUSTICE AND EMPOWERMENT,
B-22, QUTAB INDUSTRIAL AREA,
NEW DELHI-110 016.

2. GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY OF MINISTRY OF
SOCIAL JUSTICE AND EMPOWERMENT,
202, C WING, SHASTRI BHAVAN,
NEW DELHI 110 115

…RESPONDENTS

(BY SRI. H. SHANTHIBHUSHAN, DSGI)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS THE R-1 TO CONSIDER THE REQUEST LETTER SENT BY THE PETITIONER HEREIN DATED 21.08.2024 BEARING NO. MVST/SP AND HG/05/2024-25 FOR GRANTING AFFILIATION TO PETITIONER INSTITUTE TO CONTINUING MASLP PROGRAM FROM 2023-24 ACADEMIC YEAR, FILED AND MARKED AS ANNEXURE-A

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this court seeking for the following reliefs:

a) To issue a writ of mandamus to respondent no.1 to consider the request letter sent by the petitioner herein dated 21.08.2024, bearing No.MVST/Sp&Hg/05/2024-25 for granting affiliation to petitioner Institute to continuing MASLP program from 2023-24 academic year, filed and marked as Annexure-A.

2. The petitioners claim to be a Trust running several educational institutions and hospitals. One of the programmes conducted by the petitioner is Master of Science in Speech and Hearing (MASLP) which was started in the year 1996. On 25.09.2017, respondent No.1 issued a circular discontinuing the MASLP course from the year 2018-19 and introduced two separate courses, M.Sc. in Audiology and M.Sc. in Speech Language Pathology. However, an amendment was issued on 05.10.2017, clarifying that the institutions could offer either of the courses or both the courses, subject to fulfillment of the other criteria. In response thereto, the petitioners and similarly situate institutions, wrote to the RCI. The petitioner vide his letter dated 11.12.2017, requested the RCI to continue the combined course.

3. Another circular came to be issued in February 2018 stating that the competent authority was to decide on the same. Though a circular came to be issued on 12.07.2019, the name of the petitioner - College

was not found on the portal, as such, the petitioner filed a writ petition in W.P.No.14533/2021 which came to be disposed by this court vide order dated 28.03.2023, as infructuous on account of a circular having been issued by the RCI on 09.03.2023, indicating that the institutes who were conducting MASLP programme earlier, will be given affiliation with effect from 2023-24, without assessment, subject to submission of consent in writing. Thereafter, the petitioner started enrolling the students. However, the affiliation not having been granted, the petitioner is before this court seeking for the aforesaid relief.

4. Ms. Reshma Thammaiah, learned counsel has entered appearance for respondents No.1 and 2.

5. Sri. Shanthi Bhushan, learned DSGI appearing for Ms. Reshma Thammaiah, by relying on the Minutes of Meeting dated 17th & 18th November 2023 of the Working Group for Revision of Curriculum of Training Programs in the field of Speech & Hearing, submits

that the said working group has recommended for the abrogation of the MASLP programme and as such, the request of the petitioner for affiliation has not been acted upon.

6. Heard Sri. K. Shrihari, learned counsel for the petitioner and Sri. H. Shanthibhushan, learned DSGI for the respondents and perused the papers.

7. Paragraph 7 of the Minutes of Meeting is reproduced herein under for reference:

> *"7. This working committee is of the opinion that the earlier decision of RCI to abrogate combined M.ASLP is a decision taken after much discussion/consultation and it is logical. Reasons advanced earlier for stopping M.ASLP program are even more relevant today. A combined Masters' program today is anachronistic. Moreover, with all the changes made in the M.Sc. (Aud) and M.Sc. (SLP) programs now, the combined M.ASLP becomes even more incongruous. Therefore, this committee unanimously resolves and recommends to the RCI that the Council revisit its decision at the 87th meeting of EC and abrogate the combined M.ASLP program with immediate effect. As such, a need for revising M.ASLP curriculum does not arise."*

8. A perusal of the above paragraph would indicate that the Working Committee has only recommended for the abrogation of the MASLP Programme and the RCI

is yet to take a decision in relation thereto. The recommendation having been made on 17 & 18.11.2023, and no decision having been taken by the RCI till date, would not enable the RCI to deny the affiliation to the petitioners, since the earlier circular dated 09.03.2023, still holds the field. A mere recommendation by the Working Group cannot negate the circular dated 09.03.2023 and it would be the bounded duty on part of the RCI to give affiliation without assessment, subject to submission of consent in writing to the petitioner - College. In that view of the matter, I pass the following:

ORDER

i) The writ petition is allowed.

ii) Mandamus is issued, Respondent No.1 is directed to consider the request letter dated 12.08.2024, bearing No.MVST/Sp&Hg/05/2024-25 at Annexure-A and grant affiliation to the petitioner to run the MASLP Programme within

a period of 30 days from the date of receipt of copy of this order.

iii) Though the above petition is disposed, re-list on 30.01.2025, to report compliance with the directions issued at paragraphs 3 to 7 of the daily order dated 02.12.2024.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

RD