



2024 : DHC : 492



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

+ **W.P.(C) 5287/2023**

**GITA RATTAN INSTITUTE OF ADVANCED STUDIES
AND TRAINING** Petitioner

Through: Mr. Avadh B. Kaushik, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Mr. Anuj Aggarwal, ASC for
GNCTD with Ms. Arshya Singh, Mr. Yash
Upadhyay and Mr. Siddhant Dutt, Advs. for
R-1 and 3

Ms. Anita Sahani, Adv. for R-4

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (O R A L)

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22.01.2024

1. Mr. Avadh B. Kaushik, learned counsel for the petitioner, has drawn my attention to the order dated 27 September 2022 passed by a Division Bench of this Court in WP(C) 13224/2022 (*Gita Rattan Institute of Advanced Studies and Training v. Government of NCT of Delhi*), which reads thus:

“1. The Petitioner before this Court has filed the instant petition with the following prayers:

“(A) Issue a writ of Certiorari or any other writ, order or directions thereby quashing and setting aside the impugned Notification dated 04.04.2022 (ANNEXUREP-1) upto the extent it downgrades the category of the petitioner (appearing at serial No. 21 in the said notification) from Category ‘A+’ to Category ‘B’ and reduces the annual fee payable by the students to the petitioner from Rs. 76,200/- to Rs. 58,000/- for the academic years 2022-23 and onwards for the B. Ed Courses.

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(B) Issue a writ of Mandamus or any other writ, order or direction thereby directing the respondents to restore the grade of the petitioner-Institute to Category `A+' and to fix the petitioner's annual fee as applicable to `A+' category colleges/institutes for B. Ed. Courses for the next three academic years i.e., 2022-23, 2023- 24 and 2024-25;

3. Any other relief, order or directions which this Hon'ble Court considers just and fit in the circumstances of the case, may also be passed in the interest of justice.

2. This Court in an identical case i.e. W.P.(C) 13897/2022 vide Order dated 26.09.2022, passed the following order:-

“2. The contention of the Petitioner is that the colleges forming part of the Petitioner/Association have been downgraded from category ‘A+’ to ‘A’ for the academic years 2022-25 by State Fee Regulatory Committee (SFRC). It is further submitted that there are lot of discrepancies in the matter of downgradation, and an attempt to resolve the issue can be made, if the colleges are granted liberty to file a detailed representation pointing out all the discrepancies in the matter.

3. In light of the aforesaid, the colleges shall be free to submit their representation within three days from today, and Respondent No.1/GNCTD shall decide the same as expeditiously as possible, preferably within two weeks thereafter. The Respondent No.1/GNCTD shall be free to take appropriate decisions, in accordance with law, in the matter. It is needless to mention that the Committee in question i.e. State Fee Regulatory Committee (SFRC) shall co-operate with Respondent No.1/GNCTD in the matter and shall forward the entire record in respect of the colleges to Respondent No.1/GNCTD.

4. In case, the Respondent No.1/GNCTD arrives at a conclusion that the process of assessment has to be done afresh, the Committee i.e. State Fee Regulatory Committee (SFRC) shall be free to re-assess the colleges in question.”

3. In light of the above, the Petitioner herein is also granted the same relief as has been granted to the Petitioner in W.P.(C) 13897/2022 vide Order dated 26.09.2022.

4. With these observations, the petition is disposed of, along



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with pending application(s), if any.”

2. It is specifically averred, in the writ petition that no decision on the petitioner’s representation, by way of compliance with the directions issued on 27 September 2022 was communicated to the petitioner, though the petitioner, in compliance with the directions contained in the said order, addressed a detailed representation to the respondent on 10 October 2022.

3. Without communicating, to the petitioner, the outcome of its representation, it is averred that, on 10 April 2023, Respondent 1 issued a notification declaring that revision of the proposed fee had been permitted only in the case of three institutions.

4. It is the submission of Mr. Anuj Aggarwal, learned ASC appearing for the GNCTD that the petitioner’s representation had actually been rejected, which is why the notification dated 10 April 2023 notified acceptance of the request of only three institutions.

5. That, in my view, does not amount to compliance with the directions contained in the order dated 27 September 2022. It was necessary for Respondent 1 to communicate, individually to the petitioner, the outcome of its request. Moreover, it is settled principle of law that a decision which results in civil consequences has necessarily to be reasoned and speaking so that the petitioner would be aware of the reason why its request was rejected, if at all.

6. In view of the aforesaid, and keeping in mind the fact that the

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directions were issued by this Court as far back as on 27 September 2022, this writ petition is disposed of with a direction to Respondent 1 to grant an opportunity of personal hearing to the petitioner on 29 January 2024 at 11:00 AM and, thereafter, to pass a reasoned and speaking order on the petitioner's representation dated 10 October 2022 within a period of 10 days from that date.

7. Needless to say, should the petitioner continue to remain aggrieved, the remedies available in law with the petitioner in that regard would stand reserved.

8. This writ petition stands disposed of in the aforesaid terms, with no orders as to costs.

9. Mr. Aggarwal, at this juncture, points out that there may be an operational hitch in complying with the directions as the earlier decision had been taken by the 5th State Fee Regulatory Committee (SFRC) which has since been disbanded and the 6th SFRC has been constituted, which is dealing with the cases for the years 2025 onwards.

10. To my mind, it this submission cannot be countenanced. A reading of the directions in the order dated 27 September 2022 clearly reveals that the directions to decide representation were issued to the GNCTD and not to the SFRC. It is the GNCTD, therefore, which has to decide the representation.



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11. The SFRC was only directed to cooperate with the GNCTD and forward the record to the Govt. of NCT of Delhi. It is for the GNCTD to requisition the record and take a decision in accordance with the directions issued by this Court.

C. HARI SHANKAR, J.

JANUARY 22, 2024

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Click here to check corrigendum, if any