



\$~49

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

+ **W.P.(C) 10129/2024**

**SHA-SHIB MINORITY WELFARE AND EDUCATIONAL
SOCIETY**

.....Petitioner

Through: Mr. Jojo Jose, Mr. Shishir Pinaki,
Ms.Sunitha John, Mr. Navaneeth KK,
Advocates

versus

**ALL INDIA COUNCIL FOR TECHNICAL
EDUCATION & ANR.**

.....Respondents

Through: Mr. Anil Soni, Standing Counsel for
AICTE

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
24.07.2024

%

CM APPL. 41491-92/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 10129/2024 & CM APPL. 41493/2024

3. The present writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking the following reliefs:

“...i. Issue a writ of certiorari thereby quashing the ANNEXURE P/1 report dated 29.06.2024 and consequent order of the AICTE thereby rejecting the renewal of the engineering college since it has been issued in violation to the provisions under the Act and the Rules made there under in violation to ratio laid down under several judgements and direction passed by this Hon'ble Court and
ii. Issue a writ of mandamus thereby issuing a direction to the



AICTE to permit the engineering college to resume admission process for the new students.

iii. Issuing direction to the AICTE to ensure that engineering college is treated fairly and justly, adhering to the principles of natural justice and statutory regulations....”

4. Learned counsel appearing on behalf of petitioner submits that the respondent no. 1 i.e. All India Council for Technical Education (AICTE) had granted initial approval to the petitioner for establishment of Engineering College, and the same was renewed from time to time, between the years 2009 and 2023. It is argued that one inspection of the institute in question was conducted on 04.04.2024, however, no report was uploaded on the website of AICTE. Thereafter, again an inspection was conducted on 29.06.2024 in an unusual manner, a day before cut off date of extension of approval. It is submitted that the report in respect of the same was uploaded on the website of AICTE wherein the name of the institute run by the petitioner was put under ‘No Admission’ category. It is argued that the action of respondent is in violation of Section 11(3) of AICTE Act, 1987 and Rule 3.5 of AICTE Inspection Regulations 2010. It is further stated that the petitioner had submitted a Memorandum-cum-appeal to the Chairman of AICTE on 05.07.2024, however, there has been no action taken on the same yet. It is argued that the act of the respondent in rejecting the renewal of the college will result in serious prejudice to it as the admission process in the college has to begin shortly.

5. *Per contra*, learned counsel appearing on behalf of respondent no. 1 i.e. AICTE, on advance notice, argues that pursuant to conduct of inspection at the institute run by the petitioner, several irregularities were found by the officials of AICTE, resulting in non-renewal of approval.



6. Having heard the learned counsels appearing on the either side, this Court is of the view that the present petition be treated as a representation on behalf of petitioner and be placed before the Appellate Committee, in addition to any other representation/appeal pending before the committee. The Appellate Committee is directed to decide the same in accordance with law, within one week, under intimation to petitioner.
7. In case of any further grievance, the petitioner will be at liberty to approach this Court.
8. In view of the above, the present petition stands disposed of.
9. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 24, 2024/zp

Click here to check corrigendum, if any