

14.01.2025
sayandeep
Sl. No. 22
Ct. No. 08

MAT 2056 of 2024
With
CAN 1 of 2024

Maulana Abul Kalam University of Technology,
West Bengal & ors.

Vs.

Calcutta Institute of Engineering and
Management & ors.

Ms. Nandini Mitra
Mr. Sanjay Saha

....for the appellants

Mr. Subir Sanyal, Sr. Advocate
Mr. Loknath Chatterjee
Mr. Joydeb Ghorai
Mr. Diptesh Ghorai

....for the respondent
nos. 1 & 2

Dr. Debu Chowdhury

.... for the AICTE

The battle before the Court between the University and AICTE is founded more on an egoism than on the other aspect without realizing the plight of the students who have been admitted in a course approved by AICTE.

Ms. Mitra, learned advocate appearing for the University is very much vocal in her submission that the approval process handbook prepared by the AICTE mandatorily required “No Objection Certificate” to be issued by the University before the college receives affiliated to start any new course. According to her, the said handbook is a legal document in view of Regulation 4.11 of All India Council for Technical Education (Grant of Approval for Technical Institutions) Regulations, 2016. She thus submits that the AICTE cannot grant

approval for any new course bypassing the University, more particularly, in absence of any “No Objection Certificate” issued in this regard.

On the other hand, we find the complete mechanism having provided in the said handbook requiring the application to be submitted online with all the requisite documents so that the proper verification and the authenticity of the documents can be ensured.

The Clause 2.7 of the said handbook indicates that the existing institution seeking approval to start a new course shall apply to the AICTE and not to the University as per annexure-2 of the said handbook.

Our attention is drawn to the letter issued by the University dated 04.01.2024 to all the colleges affiliated to it that the affiliation shall not be granted by the University unless the intimation is given to the office on or before 16.02.2024 for approval processes listed in table-1 appended thereto. The first serial number of the table-1 pertains to starting of a new program/starting of the new level in the existing Institution.

In terms of the said letter, the intimation is given to the College on 15.02.2024 well within time indicating that they intend to start the artificial intelligence and machine learning courses with the intake capacity of sixty students. Pursuant to the same, the scrutiny committee after undertaking the exercise as provided made a declaration with regard to the course summery and the number of the students to be admitted in the

said course with the categorical observation under the broad head document verification that the “No Objection Certificate” from the affiliated University/Board is not applicable and, therefore, such document is not required. It appears that the said report of the scrutiny committee was placed before the Expert Committee and ultimately went to the Executive Committee of the AICTE and final opinion was expressed to grant approval/permission to start the said new course with the intake of sixty numbers.

Subsequently, the University did not grant affiliation and/or approval rather raises the objection that the approval cannot be granted by AICTE without their concurrence and/or approval in the form of a “No Objection Certificate” to be issued to the Institution. Primarily, the entire stand is based on the annexure-2 appended to the said handbook which requires “No Objection Certificate” to be issued by the affiliating University.

Ultimately, even if the no objection is granted by the University, the AICTE being the apex body either can grant approval or may refuse to grant approval. The handbook is prepared by the AICTE on the strength of the powers having conferred under Regulation 4.11 of the said Regulations and in the event, it is found that the University intended to be informed and/or intimated and such intimation having been granted,

there is no point in seeking a further no objection from the University.

Since the AICTE has already decided the question which is challenged in the writ petition whether the condition enshrined in annexure-2 in the handbook is mandatory or directory in nature to which we do not think that the plight of the students who have already been admitted in such course should be put to the risk or the career be jeopardized as the two Institutions are fighting against each other.

The learned Single Judge in the impugned order has considered the aforesaid aspect and passed the order on an equitable consideration by exercising the discretion so vested upon it, we do not find that such discretion is irrational and/or unreasonable.

No interference, therefore, is called for in the instant appeal.

Since the affidavit-in-opposition has already been filed by the University, we expect that the writ petition should be disposed of as expeditiously as possible.

The appeal and the connected application are disposed of.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)