

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6021 OF 2014

Mahatma Education Society's
Pillai's Institute of Information Technology,
Engineering, Media Studies & Research

...Petitioner.

versus

All India Council for Technical Education
(AICTE) and others

..Respondents.

.....

Mr. Rafiq Dada, Senior Advocate with Mr. C.K. Thomas i/b C.K. Thomas &
Associates for the Petitioner.

Mr. Mihir Desai with Mr. Sarnath Sariputta for AICTE.

Ms. S.S. Bhende, AGP for the State.

Mr. R.A. Rodrigues for the University.

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**CORAM : ANOOP V. MOHTA &
A.S. GADKARI, JJ.**

27th August 2014.

ORAL JUDGMENT (PER ANOOP V. MOHTA, J.) :

Heard finally by consent of the learned counsel.

2. This Court after hearing of the parties by order dated 14th July 2013 admitted the Petition and by a reasoned order considering the rival contentions so raised by the parties, passed the interim order which is as under :

“(a) The Respondents, including Director of Technical Education (DTE) to allow the admission of the students as per the intake

capacity of the previous years/last LOA/EOA, based on the respective Applications of the Petitioners.

(b) The admission of the students would be provisional. The concerned students shall be intimated accordingly and the admissions would be subject to further orders and/or outcome of the Writ Petitions.

(c) The Petitioners and/or students shall not claim any equity on the basis of this order.

(d) The Petitioners are directed to file additional affidavits dealing with the deficiencies, if any, and the objections so raised about the deficiencies and in what manner the alleged deficiencies can be cured and what steps they propose to take to remove those deficiencies and the time frame therefor.

(e) Additional affidavits referred to above shall be filed by the Petitioners within four weeks, failing which it may entail vacation of interim orders. The additional affidavit in reply be filed by the Respondent – AICTE also.

(f) The impugned order of AICTE shall not affect the admissions of existing students and the classes and the courses.

(g) It is made clear that the ad-interim order continues to operate notwithstanding this interim order and the protection granted by these orders shall not extend in any case to the next academic year. The approvals for the next academic year shall be decided on its own merits.

(h) The parties are at liberty to apply for appropriate clarification,

if any.”

3. Parties have filed their reply and rejoinder in support of their respective case. As we have also directed the Petitioner to file an additional affidavit dealing with the deficiencies, if any, and the manner in which the alleged deficiencies can be cured and what steps they propose to take to remove those deficiencies, the Petitioner has accordingly filed an additional affidavit and a rejoinder in support of their case that there was no major deficiency as sought to be contended by Respondent No.1 while passing impugned order dated 23rd June 2014.

4. We have already noted in our order so far as the Petitioner's alleged deficiencies are concerned. In the affidavit in rejoinder dated 28 July 2014 and the documents annexed to the Petition demonstrate that there are no deficiencies even with regard to the playground, no occupation certificate and the faculty as referred. There is no further denial from the concerned Respondents about the same. Therefore the submission that at the time of passing of the impugned order there were deficiencies and therefore no fault can be found with the orders so passed is also unaccepted. We have noted that even at the time of passing the impugned order itself there were no major deficiencies which we have already recorded. Position of the playground as well as no occupation certificate and faculty have been same till this date, which the Respondents failed to take note of and that resulted into the observation referring to the deficiencies. Thus, in the present facts and circumstances and in view

of the above, we are inclined to observe that there were no major deficiencies when the impugned order was passed. As the deficiencies are clarified and explained and as averred removed, there is no reason to keep this Petition pending so also in view of the observation already made in order dated 14th July 2014.

5. Therefore the Petition is allowed in terms of prayer clause (a-i) which reads as under :

“a. this Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate writ, order or direction in the nature of Certiorari thereby directing Respondent No.1 to produce the relevant records and after considering the legality, validity and propriety thereof, this Hon'ble Court be pleased to :

(i) quash and set aside the impugned order dated 23.06.2014 issued by the Advisor-I (Approval Bureau) of the All India Council for Technical Education (AICTE), to the extent of 'No Extension of Approval' for Pillai's Institute of Information Technology, Engineering, Media Studies and Research, whereby the Petitioners' Institution has been placed under 'No Admission Category' for the academic year 2014-15 as mentioned in the impugned order, being Ex. 'M' hereto and forthwith direct Respondent No.1 to grant extension of approval for the academic year 2014-15 onwards.”

However, the Respondent is at liberty to take action if case is made out in accordance with law. The Petition is accordingly disposed of. Rule

This Order is modified/corrected by Speaking to Minutes Order dated 01/09/2014

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made absolute accordingly. No costs.

(Anoop V. Mohta, J.)

(A.S. Gadkari, J.)

Bombay High Court