

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. 453 OF 2014

DELHI TECHNICAL CAMPUS

. . . PETITIONER

Versus

**ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
(AICTE) AND ANOTHER**

...RESPONDENTS

O R D E R

Rule.

2. Mr. Amitesh Kumar, advocate accepts notice and waives service of notice on behalf of respondent No. 1. With the consent of learned counsel for the parties, we have heard the matter finally.

3 Having regard to the nature of the order which we propose to pass, it is not necessary to take note of the facts in detail. It would be sufficient to mention that the petitioner herein started his college in the last academic year, i.e., 2013-2014 after receiving its affiliation from the Guru Gobind Singh Indraprastha University. The petitioner, however, did not seek any approval from AICTE having regard to the judgment of this Court in *Association of Management*

of Private Colleges vs. All India Council for Technical Education (2013) 8 SCC 271, wherein this Court has held that no such approval of AICTE is necessary once the University has given its affiliation to start a course.

4. It appears that another Bench of this Court has referred the matter to a larger Bench for re-consideration of the ratio laid down in the case of *Association of Management of Private Colleges (supra)*. Be that as it may, the larger Bench of this Court has still not decided the matter.

5. It so happened that another party namely; *Orissa Technical Colleges Association* had filed a Writ Petition in the Orissa High Court. However, that Writ Petition was dismissed by the High Court with the observation that appropriate remedy was to approach this Court. S.L.P. (C) No. 7277 of 2014, titled *Orissa Technical Colleges Association vs. AICTE and another* has been filed against the order of the Orissa High Court. In that Special Leave Petition, the order dated 17.4.2014 has been passed by this Court directing the AICTE to proceed in accordance with the Approval Process

Handbook for the academic year 2014-2015 insofar as the members of the petitioner association in that Special Leave Petition and all colleges and institutions situated similarly are concerned, and to issue necessary orders for the same within ten days.

6. Based on the aforesaid orders, AICTE has published a public notice for Approval Process Handbook 2014-15 in the Times of India, Delhi Edition on 11.5.2014. By this public notice, applications are invited from all technical institutions including affiliated colleges and new technical colleges. The said notice states that all technical institutions including affiliated technical colleges and new technical colleges must have approval from AICTE to continue to have affiliation by a university also.

7. Challenging the aforesaid public notice, the present Writ Petition is filed with the following prayers:

a) Issue an appropriate writ in the nature of mandamus or any other order or direction quashing the notice dated 11.5.14 in the web site on 13.5.2014 issued by the respondent no.1 inviting applications from all Technical Education for approval by the AICTE and for conduct of the Technical courses/programmes for the academic year

2014-15 to the extent of colleges affiliated to the universities which came into existence after the Judgment of this Hon'ble Court in 2013 (8) SCC 271; and

b) direct the respondent no.2 not to insist on approval by the AICTE for conduct of the Technical courses/programmes for the academic year 2014-15 to the extent of colleges affiliated to the universities which came into existence after the Judgment of this Hon'ble Court in 2013 (8) SCC 271.

8. In view of the facts stated above, as of today the position is that on the one hand, there is judgment of this Court in *Association of Management of Private Colleges (supra)* which holds that no approval from AICTE is required. On the other hand, there are orders dated 17.4.2014 and 9.5.2014 passed by this Court in S.L.P. (C) No. 7277 of 2014 directing the AICTE to issue a public notice and direct the colleges to seek approval from AICTE. Since the impugned public notice has been issued pursuant to the directions contained by this Court in orders dated 17.4.2014 and 9.5.2014, it would be difficult to allow the prayer quashing the said public notice.

9. Faced with this situation, we are of the view that the solution to the problem is by directing the petitioner to

seek the approval of the AICTE as per the aforesaid public notice but at the same time directing the AICTE to apply the norms which are applicable to the existing institutions and not to new institution/college.

10. In view thereof, we dispose of the Writ Petition with the following directions:

i) The petitioner institute which commenced imparting education from the academic year 2013-2014 and is affiliated to Guru Gobind Singh Indraprastha University may apply as existing institute to the AICTE for extension of approval for the academic year 2014-2015, in accordance with the advertisement dated 13.05.2014.

ii) The petitioner states that it will seek approval within three days and the AICTE shall decide the application before the commencement of counseling by the university so that if the petitioner is successful, it is able to get the intake of students through the

process of counseling.

iii) The application of the petitioner shall be considered in accordance with the norms that are applicable to an existing institution and not as that of a new institution, and in accordance with law.

**.....J.
(Dr. B.S. CHAUHAN)**

**NEW DELHI;
MAY 28, 2014.**

**.....J.
(A.K. SIKRI)**

ITEM NO.10

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 453/2014

DELHI TECHNICAL CAMPUS

Petitioner(s)

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION (AICTE)

Respondents (s)

Date : 28/05/2014 This petition was called on for hearing
today.

CORAM : HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE A. K. SIKRI
[VACATION BENCH]

For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. Subramonium Prasad, Adv.
Mr. Rajan Dalal, Adv.
Ms. Meha Agarwal, Adv.

For Respondent(s) Mr. Amitesh Kumar, Adv. for
Mr. Gopal Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition is disposed of in terms of signed
order.

(PARDEEP KUMAR)
AR-cum-PS

(M. S. NEGI)
ASSISTANT REGISTRAR

[SIGNED ORDER IS PLACED ON THE FILE]