

(2012) 07 AHC CK 0328

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 29069 of 2012

Apeejay Institute of Technology, School of Architecture and
Planning, and Another

APPELLANT

Vs

Gautam Budh Technical University, Institute of Engineering
and Technology And Others

RESPONDENT

Date of Decision : 30-07-2012

Acts Referred:

Architects Act, 1972 — Section 19, 20

Citation : (2013) 2 ADJ 685 : (2013) 3 ALJ 1

Hon'ble Judges : A.P. Sahi, J

Bench : Single Bench

Advocate : H.L. Tikku, Ram Kaushik and Ritesh Upadhyay, for the Appellant;
Neeraj Tiwari and Smt. Hemlata Singh, for the Respondent

Final Decision : Dismissed

Judgement

A.P. Sahi, J.—This petition prays for a mandamus directing the Gautam Budh Technical University-Respondent No. 1 herein to include the name of the petitioner-institution amongst its affiliated institutions for admission of students desirous to pursue the courses in Architecture at the undergraduate level in accordance with the intake capacity approved and sanctioned by the All India Council for Technical Education for the year 2012-13. The said sanction of the intake capacity for the year in question dated 10th May, 2012 is Annexure-1-B to the writ petition. This claim of the petitioner-institution is based on the fact that the said intake capacity has been enhanced for the year 2012-13 to 60 seats from the previous years of sanction of 30 seats. The sanction of the year 2010-11 and 2011-10 have also been brought on record as Annexures 1 and 1-A respectively. The petitioner also claims to have been running the courses even prior to that since 1999 and the admissions have been conducted through an entrance examination held by the respondent Technical University. It is stated in the petition that the Council of Architecture which is an autonomous body of the Government of India constituted under the Architects Act, 1972 issued a show-

cause notice on 15th April, 2009 intimating the petitioner that the institute as against 20 sanctioned seats, had admitted 30 students which is against the sanctioned total intake capacity in the programmes of Bachelor in Architecture. The notice accordingly called upon the petitioner to show-cause as to why action should not be taken for having violated the norms and further as to why future admissions in the said programmes be not kept pending till the directives are complied with. The petitioner submitted a reply whereupon the Council of Architecture informed the petitioner-institution of the decision taken by its Executive Committee of the Council. In the said communication a further rider was put-forth directing the petitioner-institute not to admit any student in the Bachelor of Architecture Programmes referred to therein and the three year extension of approval granted earlier vide letter dated 9th June, 2007 stood withdrawn. The penultimate paragraphs of the said letter are quoted hereinbelow:

Para. 6 Further, pending the final decision of the Council of Architecture for imposing of Section 20 of the Architects Act, 1972, as recommended by the Executive Committee, you are hereby directed not to admit any student in the 5 year full time B.Arch., B. Arch. (Interior Design) and B. Arch- (Building Engineering and Construction Technology) degree courses from the Academic Session 2009-2010, in the interest of career of prospective students.

Para. 7 Further, the 3 year extension of approval communicated to your institution vide this office letter of even number dated June 09, 2007 inclusive of Academic Session 2009-2010 stands withdrawn to the effect for the Academic Session 2009-2010.

2. A resolution was also passed on 31st July, 2009 not to register the candidates passing out from the petitioner-institute.

3. The petitioner questioned the correctness of the said action before the Delhi High Court in a writ petition No. 10377 of 2009 alongwith applications where a learned Single Judge issued notices on 25th July, 2011 and also issued an interim direction which is to the following effect:

In the meanwhile, the Joint Secretary, Higher Education Technical shall convene a meeting of the Heads of the Council of Architecture and AICTE so as to resolve the controversy of overlapping of powers of said two bodies vis-a-vis institutes imparting education in the field of architecture. The meeting shall be convened by the Joint Secretary within a period of two weeks from the date of this order and the outcome of the same meeting shall be placed on record by the respondent / UOI before the next date.

4. The challenge raised before the Delhi High Court was on the ground that once the All India Council for Technical Education under the 1987 Act has been set up then the field of education in the subject of Architecture was to be coordinated and programmed in accordance with the norms prescribed by the Council. Clause 6.1 in relation to the intake capacity of the existing courses in approved Technical Institution is quoted herein below:

6.1 Requirement of Grant of Approval No Government, Government Aided or Private (self financing) technical institutions shall conduct courses or programs in Technical Education and no new courses or programs shall be introduced and no increase and/or variation of intake in the existing Courses/Programmes shall be effected at any levels in the field of "Technical Education" without obtaining prior approval of the Council.

5. The petitioner's case is that once the All India Council is authorised by a law framed by Parliament which has been brought into existence long after the framing of the Architects Act, 1972, then it is the aforesaid provision that will prevail and not the regulations framed by the Council of Architecture under the 1972 Act.

6. Before the Delhi High Court a short counter-affidavit on behalf of the respondent No. 1 Technical University was filed accepting the said position. The Government of India through Ministry of Human Resources also filed an affidavit taking a stand that the All India Council for Technical Education Act, 1987 would prevail and the Council of Architecture will not have the authority to take action of the nature which it has done for fixing the intake capacity. The affidavit however further states that under Sections 19 and 20 of the Architects Act, the Executive Committee of the Council cannot take any action except for sending a report to the Central Government. It is thereafter that action can be taken with the intervention of the Central Government for de-recognition of an institution by publication and modification in the official gazette. It was also stand of the Central Government that no such action has been taken by the Central Government so far.

7. After this stand was taken and pursuant to the directions given by the Delhi High Court, it appears that the Counsel for the Government of India and the AICTE informed the Court by filing affidavits that in order to resolve this conflict of dominance between the All India Council for Technical Education and the Council of Architecture a seven member committee had been set up to resolve the issues including the impact of the various judgments in this regard and similar disputes pending consideration.

8. The Delhi High Court vide its judgment dated 28th September, 2011 permitted the petitioner to withdraw the said writ petition that raised a challenge to the communications of the Council of Architecture dated 26th June, 2009 and the resolution dated 31st July, 2009, leaving open the legal questions as raised in the said writ petition. The extract of the judgment of the Delhi High Court dated 28th September, 2011 is quoted herein under:

Pursuant to the directions given by this Court vide order dated 25th July, 2011, whereby the Joint Secretary, Higher Education Technical was directed to convene a meeting of the Heads of the Council of Architecture and AICTE so as to resolve the controversy of overlapping of powers of said two bodies vis-a-vis institutes imparting education in the field of architecture, Mr. Jatan Singh, counsel

representing the AICTE and standing counsel for UOI has filed an affidavit of Mr. Rajesh Singh, Deputy Secretary Department of Higher Education, Ministry of Human Resource Development, Shastri Bhawan, New Delhi. Mr. Jatan Singh states that pursuant to the directions given by this Court, the Minister of Human Resource Development had convened a meeting which was attended by the President, Council of Architecture, Directors of three Schools of Planning and Architecture and officials of Human Resource Development wherein a unanimous decision was taken to constitute a Seven Member Committee comprising of one member of each of Council of Architecture and All India Council for Technical Education (AICTE) and five experts from the field of Architecture to decide on pending issues of institutes placed under no-admission category by Council of Architecture and the other jurisdictional issues between Council of Architecture and AICTE. Counsel further submits that in the said meeting it was also decided that until and unless a notification is issued by the Central Government in the Official Gazette indicating the date before which an architectural qualification awarded by a college/institute shall be recognized, registration of such college/institute cannot be refused. Similarly an institute/college cannot be put under the no-admission category unless such notification is issued by the Central Government.

The affidavit filed by the respondent/ AICTE and UOI is taken on record.

In the present petition, the petitioner has sought to challenge the impugned communication bearing No. CA/5/Academic-UP03 dated 26th June, 2009 and a resolution dated 31st July, 2009 passed by respondent No. 1 whereby respondent No. 1 has taken certain decisions and one of the decisions being to direct the petitioner not to make any further admissions in the various architectural courses. In the said meeting respondent No. 1 has also decided to recommend to the Central Government to derecognise the petitioner-institute u/s 20 of the Architects Act, 1972 for conducting five years full-time B. Architect,

B. Architect (Interior Design) and B. Architect (Building Engineering and Construction Technology) Degree to be awarded to the students and trained after September 1, 2008.

Considering the fact that now a Seven Member Committee has been constituted by the Union of India which will deal all the pending issues of those institutes placed by the respondent No. 1 under no admission category and the said committee to decide other Jurisdictional issues between the Council of Architecture and AICTE and also the decision taken by the Central Government that no such institute/college will be put under no admission category until and unless a notification is issued by the Central Government in the Official Gazette which is the official authority u/s 20 of the Architects Act, 1972, therefore, counsel for the petitioner seeks to withdraw the present petition reserving the liberty to approach this Court again, depending on the outcome of the decisions taken by the said Seven Member Committee.

Reserving the said liberty, the petition is dismissed as withdrawn.

It is made clear to all the parties that the legal questions as raised in the present petition shall remain open.

Learned counsel for respondent No. 1 also submits that a civil appeal filed by the AICTE against the Judgment of the Bombay High Court involving the same issue is pending before the Hon"ble Supreme Court for consideration on 15th November, 2011. This Court may note this fact so that all the parties shall be finally bound by the decision of the Hon"ble Supreme Court in the said case.

9. The Government of India issued a notification on 30th September, 2011 informing the Council of Architecture not to take any action in future and further to consider to take an action for removal of the remarks of de-recognition in such cases as had arisen in the matter of the petitioner-institute. The said letter is on record as Annexure 12 to the writ petition.

10. It appears that the U.P. State Entrance Examination, 2012 was held but the brochure printed by the respondent-University excluded the name of the petitioner-institute on account of the aforesaid communication of the Council of Architecture that had give rise to the litigation before the Delhi High Court. The petitioner-institute represented the matter before the University and a communication was made on 22nd March, 2012 that the name of the petitioner institute was not referred to in the affiliated University namely Maha Maya Technical University and therefore the respondent-University did not include the name of the petitioner-institute in the Joint Entrance Examination that was being held by it.

11. This petition was presented on 30th May, 2012 before this Court and the learned Judge then presiding issued notices on 1st June, 2012. The Respondent-Gautambudh Technical University filed a short counter-affidavit bringing on record the resolution dated 11th July, 2012 indicating that only such institutes would be allowed counselling for students against their intake capacity who have the sanction of the All India Council for Technical Education as well as from the Council of Architecture in relation to the Bachelor of Architecture Courses. It is thus clear that the petitioner institution in the absence of any such sanction of the Council of Architecture was excluded from the counselling process as it fell under the no admission category.

12. Sri H.L. Tikku, leaned Senior Counsel advanced his submissions previously on 16th July, 2012 and having heard him, this Court found that the All India Council for Technical Education and Council for Architecture were unrepresented as respondents as such a direction was issued to implead both the bodies as respondents 5 and 6 with notice to them. Steps were taken by the learned counsel and Sri Neeraj Tiwari has put in appearance on behalf of All India Council for Technical Education and Sri Navin Nath alongwith Sri Manu Khare has appeared for the Council of Architecture and they have advanced their submissions.

13. The bone of contention between the parties is clearly focussed on the powers of the Council of Architecture to intervene in matters of sanction of the intake capacity. The petitioner's stand is that the Council of Architecture has absolutely no role to play and therefore the respondent No. 1 University that has conducted the Entrance Examination had no authority to exclude the petitioner-institute from the zone of counselling for admission in such courses. It is in this background and the judgment of the Delhi High Court where all these questions have been left open that the petitioner has prayed for a mandamus commanding the respondent-University to allow the petitioner to admit students as per the intake capacity of 60 seats sanctioned by the All India Council for Technical Education.

14. The argument of Sri Tikku, learned Senior Counsel is that so far as the respondent No. 1 University is concerned it had already filed an affidavit before the Delhi High Court admitting the stand taken by the petitioner and therefore the said University cannot now take a somersault to deny the benefit of admission of students to the Bachelor of Architecture Course in the petitioner-institute. He further submits that the sanction by the All India Council for Technical Education under the 1987 Act still stands, and has not been rescinded or modified and therefore the petitioner-institute has a valid claim of admitting students as against the intake capacity of 60 seats. He submits that there can be no reduction in the same or curtailment of any sort merely on the resistance of the Council of Architecture where also there is no order of de-recognition of the institute under the provisions of Sections 19 and 20 of the Architects Act, 1972. He therefore submits that there is absolutely no obstacle much less a legal impediment in the passage of the petitioner to claim such a mandamus. He submits that the respondent-University is obliged to offer the said seats according to the intake capacity sanctioned by the All India Council for Technical Education and having failed to discharge its obligation the mandamus as prayed for deserves to be granted.

15. Sri Tikku further contends that the judgment of the Delhi High Court clearly indicated that the petitioner or any other such institute cannot be placed in the no admission category so long as the sanction by the All India Council of Technical Education stands. He even otherwise submits that since no decision has been taken against the petitioner-institute u/s 20 of the Architects Act, 1972 and there is no notification or publication in the gazette for de-recognising the institute, there is no occasion to place the institute in the no admission category and the action of the University violates the stand taken by it before the Delhi High Court and is contrary to its own affidavit filed therein.

16. As a measure of his legal submission in support of the above, Sri Tikku submits that the communication by the Council of Architecture is in-operational in view of the judgment of the Delhi High Court and even otherwise on account of the overriding effect of the All India Council for Technical Education Act, 1987.

17. To buttress his submissions he has relied on several decisions of the Apex

Court as well as other High Courts to contend that the stand taken by the Council of Architecture is untenable and the respondent No. 1 University could not have relied on such stand to refuse counselling of students in the petitioner-institute. The decisions which have been relied upon for the purpose of pleading that the All India Council for Technical Education Act, 1987 has a overriding effect are as follows:

(1) State of T.N. and Another Vs. Adhiyaman Educational and Research Institute and Others, .

(2) Jaya Gokul Educational Trust Vs. The Commissioner and Secretary to Government Higher Education Department, Thiruvananthapuram, Kerala State and Another, .

(3) Aditya Institute of Technology Vs. Govt. of Delhi and Another

(4) Jitendra Narain Gangwar and Others Vs. U.P. Technical University at Lucknow and Others,

(5) Institute of Town Planners, India Vs. Council of Architecture and Others, .

18. Replying to the said submissions, learned counsel of All India Council for Technical Education, Sri Tiwari contends that the stand of the Council is the same as taken before the Delhi High Court but the matter remains un-resolved by the seven member committee that had been constituted by the Human Resources Ministry for the purpose of resolving this dispute. He therefore submits that the Council has already indicated its stand which is no different from the stand already taken earlier. He also appears for the respondent No. 1 University and he contends that once the admissions are not in accordance with the sanction of the Council of Architecture, the consequences are that the students who pass out from such institutes do not get a registration by the Council as a result whereof it is difficult for them to pursue their profession. In the circumstances, the respondent No. 1 University has taken the decision on 11th July, 2012 which has been brought on record and he contends that such a norm is being followed not only by Private Colleges but by the Government College of Architecture in the State. He has however urged that the Council of Architecture in the present case could not have taken any action without there being any approval of the Central Government u/s 20 of the Act. This stand has been taken in paragraph 10 of the affidavit filed on behalf of the University.

19. The main contestant in this dispute is the respondent No. 6 Council of Architecture and Sri Navin Nath did not mince words when he categorically came up with a plea that once the petitioner has already made an attempt to overcome this difficulty by filing a writ petition before the Delhi High Court, and has withdrawn the same, then the present petition is not at all maintainable under the garb of a newly couched relief of mandamus which in effect seeks to raise a challenge to the orders passed by the Council of Architecture that have been implemented by the respondent No. 1-University. He submits that the arguments

which have been advanced by the learned Senior Counsel on behalf of the petitioner are the same arguments have were raised before the Delhi High Court and if the petitioner has chosen to withdraw its petition hooking its stakes on the outcome of the decision of a seven member committee, then in the absence of any such resolve or any further legislation on the issue, the petitioner cannot be permitted to take admissions except with the permission of the Council of Architecture.

20. He contends that the petitioner will have to approach the Council of Architecture and comply with the norms and remove the deficiencies as pointed out in the communications of the year 2009 that were under challenge before the Delhi High Court. He submits that the Council has already taken a stand that it is a statutory body which cannot be subjected to any control or supervision by the creation of a seven member committee by the Central Government.

21. He submits that the Architects Act, 1972 in no way contradicts the All India Council for Technical Education Act, 1987 nor is there any inconsistency and to the contrary the 1972 Act simply supplements, as it occupies the field in relation to the maintaining of standards and norms in running such courses of Bachelor in Archaeology. He contends that the 1972 Act has neither been repealed nor does it stands eclipsed by the 1987 Act or All India Council for Technical Education. He contends that the 1987 Act with its terminology as used therein nowhere even remotely trenches upon the powers of the Council of Architecture or the Minimum Standards of Architectural Education Regulations, 1983 framed by it. He submits that the Parliament has in its wisdom in exercise of its competence under Entry 66 List 1 framed both the laws and the Parliament will be presumed to have knowledge of the 1972 Act while passing the 1987 Act.

22. He submits that there is no dispute about the fact that a Technical Education Course cannot be run without a sanction under the 1987 Act. He however submits that the same does not amount to stripping off the Council of Architecture of its duties enjoined upon it under the 1972 Act.

Advance his submissions, further he contends, that the petitioner who could not succeed before the Delhi High Court, ought to have awaited the outcome of the litigation which is still engaging the attention of the Apex Court arising out of an identical situation in the case of Shri Prince Shiva Ji Maratha Boarding House's Council of Architecture, Kolhapur and others v. State of Maharashtra and others, Writ Petition No. 5942 of 2004 decided by the Bombay High Court Division Bench on 8th September, 2004. He submits that the Bombay High Court in the aforesaid decision has categorically held that the 1972 Act being a special act did not stand abrogated by the 1987 Act and it continues to hold the field. The said judgment has been assailed before the apex Court in Special Leave to Appeal No. 2693 of 2004 where the apex Court specifically refused to grant any interim relief vide order dated 10th January, 2005. He submits that the issue at hand which is now sought to be advanced on merits stands covered by the aforesaid Division Bench judgment which has been approved later on again by the Bombay High

Court in another Division Bench judgment in writ petition No. 2185 of 2012 decided on 11th June, 2012. Copies of both the judgments have been placed before the Court. Sri Navin Nath therefore submits that neither is the writ petition maintainable in view of the judgment inter-parties dated 28.9.2011 by the Delhi High Court nor on merits does the petitioner have any legal basis to support the petition.

23. The argument of Mr. Nath is that the petitioner is knocking the door at a wrong address. He submits that the petitioner has no choice except to yield to the steel framework of the 1972 Act. The petitioner chose to challenge the authority of the Council of Architecture without any success before the Delhi High Court. The only concession given was a liberty to agitate the questions raised again as they were left open and nothing further. The petitioner having voluntarily exercised that option cannot now be permitted to alter his own choice. It is acquiescence by conduct and estoppel as well. The petitioner cannot rake up the same issue through a circumvented method on the basis of a consequential action that is traceable to the same assembly line of events emanating from the orders of the Council of Architecture. The only tunnel of hope, which is otherwise not available, is to pursue what might be permissible, if at all, that line of action which was opted for by the petitioner before the Delhi High Court.

24. Replying to the said submissions of the learned Counsel Sri Tikku for the petitioner contends that the Goa Bench of the Bombay High Court has taken a contrary view in the case of State of Goa and others v. Union of India and another, writ petition No. 345 of 2007 decided on 17th June, 2008 where it has been held that the Council of Architecture cannot freeze the intake capacity of an institute where the sanction is granted by the All India Council for Technical Education. He further submits that a SLP has been filed against this judgment as well and the Apex Court has not granted any stay against the said judgment. He therefore contends that in the light of the decisions which have been cited at the bar and the submissions raised, this writ petition deserves to be disposed of with a direction to the respondent University to allow the petitioner to proceed with counselling and offer students for admission in the various programmes of Bachelor of Archaeology to the petitioner-institute.

25. He urges that the 1972 Act is unenforceable and even otherwise the Council of Architecture cannot travel beyond its powers u/s 20 which has not yet saturated by any final concurrence of the Central Government. The act or the orders passed thereunder are also inoperative, and it is no cast iron cage in which the petitioner can be kept imprisoned endlessly. The inaction on the part of the seven member committee or no orders by the Central Government u/s 20 of the Act cannot defeat the existing claim of the petitioner to admit students.

26. Having considered the aforesaid submissions, the issue relating to the judgment of the Delhi High Court inter-parties has to be addressed first. Sri Tikku, learned Senior Counsel has time and again submitted that the orders

passed by the Council of Architecture are inoperative and as a matter of fact they cannot in any way curtail the courses to be run by the petitioner as admittedly the petitioner-institution has not been de-recognised nor any action has been taken u/s 20 so far. He submits that even assuming that the 1972 Act is operative, the orders passed by the Council as reflected in the resolutions of the Executive Council do not have any force of law. He therefore contends that the impasse felt by the respondent No. 1 University on account of the action of the Council of Architecture is absolutely misplaced.

27. The attempt of Sri Tikku to segregate the issue of applicability and enforceability of the 1972 Act, by describing the orders passed by the Council of Architecture as in-operational, cannot be countenanced, as the question as to which authority has the upper hand or controlling power to determine the intake capacity of an institution is still a seriously debated legal battle. The mandamus as prayed for is directly connected to and dependant upon the same. The consequential action of the Respondent No. 1 University is neither alien nor divorced from the main issue of the authority to allow the running of the courses in question.

28. The question raised is of seminal importance; which of the two i.e. the 1987 Act or 1972 Act will prevail; can the 1987 Act be said to have an overriding effect or vice versa. The other side of the argument is, can both harmoniously coexist, as if, they do not supplant, rather supplement each other.

29. Having perused the said judgment dated 28.9.2011, the Court finds that all these issues relating to the legal questions raised and narrated hereinabove have been left open in view of the request of the petitioner to withdraw the writ petition and reserving liberty to approach the Delhi High Court depending on the outcome of the decision to be taken by the seven member committee. A perusal of the judgment without reading anything between the lines therefore leaves no room for doubt that the petitioner-institute did challenge the action of the Council of Architecture on the same grounds that have been raised before this Court in the present petition though in relation to the action of the respondent No. 1 University and by praying for a mandamus only.

30. It is to be noted that there is no challenge to the decision of the respondent No. 1 University dated 11th July, 2012 that has been brought on record through the short counter-affidavit. It is thus clear that the challenge to the authority of Council of Architecture has not taken any defend a different turn and is on account of the withdrawal of the writ petition before the Delhi High Court with liberty to raise these legal questions depending on the outcome of the decision to be taken by the seven member committee. The Delhi High Court had also further put in a caveat that the parties would be governed by the decision of the Apex Court that has arisen out of the judgment of the Bombay High Court referred to hereinabove. In the aforesaid circumstances, I am of the opinion, that the petitioner has filed this writ petition to claim the very same rights as against the Council of Architecture that were involved in the petition filed by it before the

Delhi High Court. The arguments therefore advanced by Sri Tikku that the decision of the Council of Architecture is inoperative and is not binding on the respondent No. 1 University, cannot be entertained by this Court. The petitioner himself has chosen the forum of the seven member committee and has withdrawn its writ petition with the liberty to contest these legal issues before the same Court. In the circumstances, the relief of mandamus as prayed for in my opinion has been couched with a view to overcome the inert situation that has arisen due to the judgment dated 28th September, 2011.

31. The Government of India, respondent No. 3 herein has not taken any decision nor has the seven member committee made any headway so far. The issue as to whether a seven member committee can in any way take a decision to override either the provisions of the 1972 Act or the 1987 Act is doubtful when the field of legislation is already occupied and there is a statute governing the norms and conditions prescribing the intake capacity of students in a College. Whether a seven member committee could sit in appeal or act as an independent body to resolve this conflict prima facie does not appear to be a correct forum. If the matter has already reached the Court, then the Court is the sole arbiter, more so when any such inconsistency is sought to be resolved between two legislations. Here is a case where the Council of Architecture pleads its dominant role in the matter of prescribing norms of intake capacity as against the powers conferred on the All India Council for Technical Education under the 1987 Act. If there is inaction on the part of the Government of India or the so called seven member committee, the same amounts to a denial to the petitioner of its legitimate claim that it may have on the legal issues so raised. The petitioner has to thank itself for the situation that has arrived on account of having withdrawn the writ petition filed before the Delhi High Court, of course with the liberty to raise the legal questions again before it. The petitioner itself drew boundaries to approach the same Court where the original cause of action had arisen. There is not even a dim confusion on this issue on a plain reading of the judgment of the Delhi High Court.

32. In the opinion of the Court, the petitioner would therefore have to approach the Delhi High Court itself or await the decision of the Apex Court as suggested in the judgment dated 28th September, 2011. The decision not to put the petitioner under no admission category is a letter of the Government of India dated 30th September, 2011. If the petitioner seeks to enforce the said letter it can do so either by approaching the Government of India or challenging the action of the respondent No. 1-University on the strength of such a letter by praying for a certiorari against the decision dated 11th July, 2012. This in my opinion, will again involve a direct challenge to the decisions of the Council for Architecture dated 26th June, 2009 and 11th July, 2012 for which the Delhi High Court has already given liberty to the petitioner to do so. The decision of the Central Government dated 30th September, 2011 is a communication which came after the decision of Delhi High Court on 28th September, 2011. In such circumstances, the petitioner will have to abide by its own choice as spelt out in

the judgment dated 28th September, 2011. Accordingly, the relief of mandamus as prayed for the aforesaid reasons cannot be granted by this Court and the writ petition is accordingly dismissed.