

(2011) 01 DEL CK 0295

In the Delhi High Court

Case No : LPA 655 of 2010

Global Educational and Social Trust

APPELLANT

Vs

Guru Gobind Singh Indraprastha University and Another

RESPONDENT

Date of Decision : 06-01-2011

Acts Referred:

Citation : (2011) 179 DLT 493

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : Rajiv Bansal and Amandeep, for the Appellant; Parag P. Tripathi, ASG, Sradhananda Mohapatra, Sadan Farasat and Avneesh for Respondent No. 1. Rakesh Dwivedi Amitesh Kumar, Mayank Manish and S. Pathak for AICTE, Manjit Singh, A.A.G. for State of Haryana., for the Respondent

Judgement

1. Heard Mr. Rajiv Bansal, learned Counsel for the Appellant, Mr. Parag P. Tripathi, learned Additional Solicitor General for Respondent- University, Mr. Rakesh Dwivedi, Sr. Advocate for Respondent-AICTE and Mr. Manjit Singh, learned Additional Advocate General for the State of Haryana.

2. In this intra-court appeal, the assail is to the order dated 31st August, 2010 passed by the learned single Judge in Writ Petition (Civil) No. 5831/2010 whereby the learned single Judge has refused to grant interim stay. Ordinarily this Court would have been averse to interfere with such an order but however when the matter was taken up, certain suggestions came from Mr. Rajiv Bansal, learned Counsel for the Appellant, Mr. Parag P. Tripathi, learned Additional Solicitor General for the Respondent-University, Mr. Rakesh Dwivedi, learned senior counsel for AICTE and Mr. Manjit Singh, learned Additional Advocate General for the State of Haryana and accordingly the matter was dwelled upon.

3. Keeping in view the suggestions, on 15th September, 2010 this Court had passed the following order:-

Heard Mr. Rajiv Bansal, learned Counsel for the Appellant, Mr. Rakesh Dwivedi,

learned senior counsel with Mr. Amitesh Kumar, learned Counsel for the AICTE and Mr. Mukul Talwar, learned Counsel for the Guru Gobind Singh Indraprastha University.

After a considerable debate, without prejudice to the contentions that have been raised or to be raised, a consensus was arrived at that the educational institution, namely, Delhi Global Institute of Management situated at Jasana, Faridabad run by Global Educational and Social Trust, shall be inspected by a three-member committee of the AICTE and a three-member committee of the Respondent-University by 20th September, 2010. The committees of both the statutory authorities shall work in harmony and if there is any deficiency, the same shall be brought to the notice of the Appellant-institution and also to this Court. Needless to say, both the committees shall go together and inspect the premises. Mr. Amitesh Kumar, Mr. Mukul Talwar and Mr. Rajiv Bansal shall accompany the committee members. The expenses made for the visits of the committees as well as the counsel who are accompanying the committees shall be borne by the Appellant-institution as conceded to by Mr. Rajiv Bansal. All other expenses as are requisite shall also be borne by the Appellant on being intimated by fax or e-mail by the University as well as by the AICTE.

As an ad interim measure, it is directed that in case of success of appeal, the Respondent-University shall hold another counseling for filling up the seats that have been allocated to the Appellant-institution by the AICTE.

Call on 22nd September, 2010.

4. When the appeal was taken up on 22nd September, 2010, the following order came to be passed:-

This Court on 15th September, 2010 had constituted two committees of the Respondent No. 1-University as well as the AICTE and directed the committees to visit the Appellant-institution along with three counsel, namely, Mr. Amitesh Kumar, Mr. Mukul Talwar and Mr. Rajiv Bansal. Be it noted, Mr. Bansal had not accompanied the team.

When the matter was taken up today, Mr. Talwar submitted a report on behalf of the Respondent-university and Mr. Rakesh Dwivedi, learned senior counsel, submitted a report on behalf of AICTE. If we allow ourselves to say so, that was not the intention of the order which was passed on earlier occasion. We are really at a loss as to why there is so much of cavil between the AICTE and the University on a factual position. However, let the reports be exchanged and a meeting be held by the AICTE authorities with the University authorities and a decision be taken whether the Appellant-institution meets the requisite criteria as per the norms/guidelines framed by the AICTE.

Matter be listed on 1st October, 2010.

5. Thereafter, as evincible, various orders were passed and eventually on 25th November, 2010 this Court recorded that an inspection as directed had not taken

place and granted some more time to complete the said exercise. When the matter was called today, we have been apprised that a joint inspection has been taken up by the AICTE and the Respondent-University and the inspection committee of both the statutory authorities have found that there is no deficiency in the institution in praesenti.

6. In view of the aforesaid, it is directed that if the Appellant files an application for grant of recognition/approval to the course before the AICTE, the same shall be placed before the Board, which shall take a decision within three weeks from the date of submission of the application for the academic session 2011-12. Regard being had to the joint committee inspection, after the AICTE takes a decision, the same shall be communicated to the Respondent-University, which shall follow the same in letter and spirit.

7. Needless to say that the Respondent-University shall act promptly after getting the communication from the AICTE. Mr. Parag P. Tripathi, learned Additional Solicitor General representing the Respondent-University has fairly stated that the University always acts expeditiously and would not cause any delay or hindrance. Mr. Manjit Singh, learned Additional Advocate General for the State of Haryana has stated that the State shall abide by the law. Needless to say that when there is concurrence by the AICTE and University, the State Government in a case of the present nature has no role to refuse the NOC.

8. In view of the aforesaid, the appeal is disposed of. As nothing remains to be adjudicated in the Writ Petition (Civil) No. 5831/2010, the same also is deemed to have been disposed of. No order as to costs.