

(2012) 07 AHC CK 0019

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 34086 of 2012

Janhit Group of Institutions

APPELLANT

Vs

All India Council for Technical Education and Another

RESPONDENT

Date of Decision : 30-07-2012

Acts Referred:

Citation : (2013) 2 ADJ 577

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

Bench : Single Bench

Advocate : Anil Kumar Bajpai, for the Appellant; Neeraj Tiwari, for the Respondent

Final Decision : Allowed

Judgement

A.P. Sahi, J.—Heard learned counsel for the petitioner and Sri Neeraj Tiwari learned counsel for the respondent. The challenge is to the letter of rejection dated 6th July, 2012 entailing that the request of the petitioner was being rejected on account of the 5 reports referred to in the impugned order.

2. The matter had been adjourned on the last occasion to enable the learned counsel to inform the Court as to what are those reports and the material contained therein which has persuaded the respondent council to reject the request of the petitioner.

3. Today a note sheet has been placed before the Court by Sri Neeraj Tiwari indicating that the stock register of the laboratory equipment, the absence of all weather approach road, and the non filling of the column in the scrutiny report appears to be the reason for denying the request of the petitioner.

4. Having perused the same and having perused the impugned order there does not appear to be any compatibility between the reasons given in the impugned order and the note sheet which has been produced by Sri Neeraj Tiwari. This Court is unable to understand that if the institute has been granted permission to run other courses in the same campus then how can the absence of an all

weather approach road be a reason to reject the request of the petitioner for running new courses for which the application has now been moved.

5. Apart from this the petitioner contends that the stock register of the laboratory is available and the respondents never called upon the petitioner to produce the same. Learned counsel for the petitioner further submits that if the column of the scrutiny report has not been filled up, that is not the fault of the petitioner. He further submits that the recommendations have been made by the Standing Appellate Committee as well as the other committees which are required to submit their reports. In the absence of any valid material to deny the request made by the petitioner, therefore, does not appear to be justified.

6. Sri Neeraj Tiwari has vehemently opposed the writ petition by contending that the reports have been mentioned and therefore, the petitioner is required to complete the deficiencies mentioned in the said reports.

7. Learned counsel for the petitioner in reply submits that the deficiencies which are alleged to have been uploaded on the web site are not available at all and there is nothing to indicate that there was any such deficiency in any of the said reports.

8. Having heard learned counsel for the parties, the letter of rejection is absolutely cryptic and it contains no valid reasons or any material to support the alleged reports which has been made the basis for dispatching the letter of rejection.

9. The reasons given in the note sheet as has been produced by Sri Neeraj Tiwari does not advance the case any further.

10. In the circumstances the respondent counsel has proceeded on absolutely erroneous considerations and, therefore, the letter of rejection dated 6th July, 2012 cannot be sustained. It is hereby quashed.

11. The council is directed to pass a fresh order in accordance with law keeping in view of the contention of petitioner that it has completed all formalities and the same be done as expeditiously as possible preferably within a period of six weeks from the date of production of a certified copy of this order. The writ petition is allowed.