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In the Punjab And Haryana At Chandigarh

Case No : C.W.P. Nos. 14688, 16381 and 17102 of 2013

Lala Khushi Ram Gupta Charitable Society — APPELLANT

Vs

Union of India — RESPONDENT

Date of Decision : 05-09-2014

Acts Referred:
Architects Act, 1972 — Section 10, 14, 14(1), 15, 19

Citation : (2015) 177 PLR 555 : (2014) 4 SCT 567

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Rajiv Atma Ram, Senior Advocate, Arjun Pratap Atma Ram and J.S. Sandhu, Advocate for the Appellant; Rajiv Atma Ram, Senior Advocate, Arjun Pratap Atma Ram, Advocate, O.S. Batalvi, Senior Standing Counsel, G.S. Brar, Central Govt. Standing Counsel, Naresh Kaushik, Nitin Thatai, Advocates and C.S. Bakshi, Addl. A.G, Advocate for the Respondent

Judgement

K. Kannan, J.

I. Scope of writ petitions

1. All the three writ petitions are in relation to the affairs of the petitioner''s society in CWP No. 14688 of 2013 that runs a College of Architecture in the State of Haryana at Karnal. C.W.P. No. 14688 of 2013 is against the order withdrawing the approval granted to the petitioner-society with immediate effect through the order passed on 02.07.2013. By the same order, the institution was directed to facilitate the transfer of B. Arch students already admitted and who were staying in the college upto 3rd year to other institution approved by the Council of Architecture. This order came to be passed in supersession of earlier order to the same effect which was purported to have been passed on 06.05.2013 where the Council of Architecture de-recognized the institute for academic session 2013-14. The said order had been challenged in C.W.P. No. 11323 of 2013 on the ground that the order had been passed without any form of enquiry on the basis of a report on surprise inspection held on 07.03.2013. The High Court had directed by

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its order dated 10.06.2013 that fresh order should be passed after granting opportunity by the competent authority and the Council before any action was taken. The impugned order was passed subsequent to such enquiry. The order in so far as it affects the interest of the students to continue in the course has been challenged also by some of the students. C.W.P. No. 16381 of 2013 contains a challenge to the very same order at the instance of a student of the 4th year batch, as aggrieved by the decision. CWP No. 17102 of 2013 is at the instance of the student association containing a similar prayer to the impugned order. The decision in one will cover the grievances of the students as well. II. Council''s withdrawal of permission-genesis of dispute

The petitioner-Society would challenge the order, inter alia, on the ground that the institute had actually been inspected by an expert committee on 06.07.2012 and gave a report on the following day on 07.07.2012 finding the facilities to be good, standard of education to be high, the quality of and number of teachers to be adequate and recommended that the college could be allowed additional 40 seats. The ultimate expressions were that the college was "well-equipped as far as the faculty, quality of teaching and other aspects are concerned." Even within a year after the inspection, a surprise inspection said to have been made on 08.03.2013 yielded to a finding that no regular courses for the 4th year students had been held for the last three years and that there were only three permanent faculty members out of which one was ineligible and another one came only three times a week and the Principal was taking care of the administration and taking only one subject Vastu. It also observed that out of four visiting staff, one Ms. Deepali and another B.S. Mitra did not take classes. Based on this surprise inspection report on 08.03.2013, the earlier order was passed on 06.05.2013 directing the institute not to admit any student and transfer of the existing batch upto 3rd year to some other institution. The students of the 4th year batch had been totally discarded and they were not to be eligible for admission on migration at the 4th year level to any other college as well as registration with degree Architecture if awarded by any other college upon completion of the course. It was this drastic action that was set aside by an intervention of this Court directing fresh enquiry to be made.

III. The petitioner''s grounds of challenge

2. Responding to the specific areas of deficiencies, the learned Senior Counsel would point out that there had been adequate number of teachers and affidavits of the teachers and students have been furnished. The alleged deficiency noted that no classes were being held was on a wrong understanding that on the particular day of inspection, the students of the 4th years had not been present when they were actually on an education tour and documentary proof had also been furnished. The mistake that was pointed out that the list of teachers furnished was not true by the observation that some of the students had not even identified the teachers was on account of the fact that just about the time of inspection, some teachers had been kept under suspension following a

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complaint of sexual assault on a student by one teacher and disciplinary action taken against him. The new appointments that had been made had not taken charge yet and that was the reason why the students were not familiar with the new appointees. It was also pointed out that even a complaint that the faculty was not fully qualified, was not correct since both as regards the number and qualification they were better off and in any event not worse than the teachers who had been appointed and the qualifications that were held by persons employed as teachers in the colleges run by at least three of the members of the Council. The attempt was to show that the Council was showing unfair discrimination and the action discrediting the quality of faculty was motivated and brought out on mala fide actions of members of the Council. On a legal aspect, even apart from the factual matters for which the petitioner was entering a contest, the contention was that an inspection carried out in the year 2012 that yielded to a report that the institute had all the necessary infrastructure and there was a recommendation for an increased intake only as late as on 07.06.2012, there was no scope for an inspection immediately even within a year and withdrawing the recognition. The Council had no power to withdraw any recognition and it was contrary to terms of the Architects Act of 1972. For any defect or deficiencies noted by the Council, it could only make its recommendation to the Government and the Union Government alone has a power to withdraw the recognition granted to the institute. The institute is affiliated with the Kurukshetra University and the University had carried out its inspection and had allowed for the continuation of affiliation and the Council had no jurisdiction to withdraw the approval granted to the institute.

IV. The Union of India fully supports petitioner''s prayer

3. The Union''s stand has literally supported the petitioner''s case in toto and has also stated that the writ petition could be allowed. The Central Government had made an issue about the impermissibility of the Council to act through the order and has made pointed reference to Section 14(1) of the Architects Act and the procedure prescribed under Section 19(2) to state that a Bachelor''s degree of Architecture awarded by Indian Universities established under the Act only are the recognized qualifications and when the petitioner''s college is affiliated with the Kurukshetra University and grants a B. Arch degree, the qualification obtained through the college is to be treated as recognized qualification for the purpose of the Act. The inspection by the Council under the Act could be only for the purpose of determining the adequacy of standards and the Executive Committee on obtaining a report from the inspector could only send the report to the Central Government but no report had been received by the Central Government in respect of the petitioner college. The question of reducing or forbidding admission by an institute or college which grants architectural qualifications as per entry 1 under the Schedule as laid down under Section 14 of the Act simply does not arise and the Executive Committee had actually overstepped its powers in stopping of admission or closing down the college.

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V. The Council''s justification for the order

4. Learned counsel appearing on behalf of the Council would contend that a surprise inspection which was made cannot be done after notice, for, it would defeat the very purpose of assessing whether the institute conformed to the norms viz., that the teaching standards were kept and that the institute provided all the facilities which were required and that further the students were imparted with technical education after compulsorily requiring their attendants in the institute. Even at the time when the enquiry was held, the institute was not prepared to submit the attendance register with the false plea that the documents had been stolen and it was evidently a case of concealment and a false defence taken which could be inferred by the fact that there had been no complaint even of the theft of vital documents which the college had. The deficiencies which were noted were pointed out to the institute even at the time when the institute was engaging a Council in communication for admission for the year 2014-15 and it was only directed to make good the deficiencies and if the Council was invited for inspection and found that all the deficiencies were duly removed, there would be no difficulty in granting the approval for the current and the succeeding year. Referring to the legal argument advanced by the learned Senior Counsel appearing on behalf of the petitioner that the Council was not competent to withdraw the recognition, the counsel for the respondent would point out to a dichotomy of a withdrawal of recognition for the institution which could be done by the Union Government under Section 20 and withdrawal of permission for admission which could be imposed by the Council without reference to any order from the Government. The power must be taken as inherent in its power to enforce the norms, the minimum standards of architectural education as contemplated under Section 21 of the Architects Act of 1972. As if to explain that power of the Council to withdraw the permission was a conceded fact, the counsel would argue that the institute itself had taken permission for the institute and it must be understood that a Council that has power to grant permission must also be deemed to have the power to the withdraw such permission.

VI. Key issue - Does the Council have power to withdraw permission

5. The legal objection regarding the competency of the Council to pass the order is so fundamental that the factual consideration of whether there have been any deficiencies that justified the Council to pass the order would be eclipsed for the present and the adjudication on the competency would obtain a primacy of consideration.

(a) Relevant provisions of Architects Act for the purpose of the case

6. The learned Senior Counsel appearing on behalf of the petitioner would refer me provisions of the Architects Act of 1972 that contains in Chapter XII the creation of the office of the Council of Architecture and entrusted to the Council the maintenance of register of Architectures, settling a scheme of reciprocity of

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recommendation of architectural qualifications for grant of recognition from various institutes. The Act contemplates a Schedule containing a list of degrees which are approved by various Universities and institutes established in various countries. The Council will have control over preparation of academic content and ensuring that the inspections are carried out with power to attend any examination held by any college or institution for the purpose of recommending to the Central Government recommendation of architectural qualifications granted by that college or institution. The most crucial Sections which are relevant to this case are Sections 19, 20 and 21 and they would require to be reproduced:-

"19.(1) The Executive Committee shall, subject to regulations, if any, made by the Council, appoint such number of inspectors as it may deem requisite to inspect any college or institution where architectural education is given or to attend any examination held by any college or institution for the purpose of recommending to the Central Government recognition of architectural qualifications granted by that college or institution.

(2) The inspectors shall not interfere with the conduct of any training or examination, but shall report to the Executive Committee on the adequacy of the standards of architectural education including staff, equipment, accommodation, training and such other facilities as may be prescribed by regulations for giving such education or on the sufficiency of every examination which they attend.

(3) The Executive Committee shall forward a copy of such report to the college or institution and shall also forward copies with remarks, if any, of the college or institution thereon, to the Central Government.

20. (1) When upon report by the Executive Committee it appears to the Council-

a. that the courses of study and examination to be undergone in, or the proficiency required from the candidates at any examination held by, any college or institution, or

b. that the staff, equipment, accommodation, training and other facilities for staff and training provided in such college or institution, do not conform to the standards prescribed by regulations, the Council shall make a representation to that effect to the appropriate Government.

(2) After considering such representation the appropriate Government shall forward it along with such remarks as it may choose to make to the college or institution concerned with an intimation of the period within which the college or institution, as the case may be, may submit its explanation to the appropriate Government.

(3) On receipt of the explanation or where no explanation is submitted within the period fixed, then on the expiry of that period, the State Government, in respect of the college or institution referred to in clause (b) of sub-section (5), shall make its recommendations to the Central Government.

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(4) The Central Government:-

a. After making such further enquiry, if any, as it may think fit, in respect of the college or institution referred to in sub-section (3) or

b. on receipt of the explanation from a college or institution referred to in clause (a) of sub-section (5) or where no explanation is submitted within the period fixed, then on the expiry of that period, may, by notification in the official gazette, direct that an entry shall be made in the Schedule against the architectural qualification awarded by such college or institution, as the case may be, declaring that it shall be a recognised qualification only when granted before a specified date and the Schedule shall be deemed to be amended accordingly;

(5) For the purposes of this section, "appropriate Government" means -

a. in relation to any college or institution established by an Act of Parliament or managed, controlled or financed by the Central Government, the Central Government, and

b. in any other case, the State Government

21. The Council may prescribe the minimum standards of architectural education required for granting recognised qualifications by colleges or institutions in India.

7. It would be seen that Section 19 deals with the power of inspection and Section 20 deals with report of the Executive Committee after such inspection. Section 20 also contains provisions for an inspection which could be done to test the proficiency required from the candidates at any examination and adequacy of staff, equipment, accommodation etc. If the college or institution does not conform to the standards, the Council would be competent to make a representation to the appropriate Government. It would seem that the recommendations will be taken at different hierarchical tiers, such as when the appropriate Government receives the recommendations, it should consider the same and forward the same with its remarks to the college with intimation of the period within which the college may offer an explanation and the State will not itself take any decision thereon but it will make its own recommendations to the Central Government. It will then be the Central Government which will consider the enquiry, recommendations and the explanations and may take a decision regarding an entry that shall be made in the institute against the architectural education imparted by such college. Since the Schedule to the Act contains the list of Universities from various countries that can qualify the Architects, an entry in the schedule against an institute would have an immediate effect of withdrawal of recognition of the institute itself. It must be noticed that the Schedule read with Section 14 does not talk about the recognition or approval of the Council but it refers to the qualifications included in the schedule or notified under Section 15 shall be recognised qualifications for the purpose of the Act and the first entry is the Bachelor Degree of Architecture awarded by Indian Universities established by an Act of the Central or the State Legislature. The

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affiliation of an institute to University secures to itself its legitimacy and the Council''s power would, therefore, be seen as recommendatory in the sense that it would draw up the entire scheme of the standards of education. This is done through regulations. The power to make such regulations is brought under Section 45 of the Architects Act. Section 45 reads thus:-

"45. (1) The Council may, with the approval of the central Government by notification in the official Gazette make regulations not inconsistent with the provisions of this Act or the rules made thereunder to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations, may provide for-

a. the management of the property of the Council;

b. the powers and duties of the President and the Vice-President of the Council;

c. the summoning and holding of meetings of the Council and the Executive Committee or any other committee constituted under Section 10, the times and places at which such meetings shall be held, the conduct of business thereat and the number of persons necessary to constitute a quorum;

d. the functions of the Executive Committee or of any other committee constituted under Section 10;

e. the courses and periods of study and of practical training, if any, to be undertaken, the subjects of examinations and standards of proficiency therein to be obtained in any college or institution for grant of recognized qualifications;

f. the appointment, powers and duties of inspector;

g. the standards of staff, equipment, accommodation, training and other facilities for architectural education;

h. the conduct of professional examinations, qualifications of examiners and the conditions of admission to such examinations;

i. the standards of professional conduct and etiquette and code of ethics to be observed by architects;

j. any other matter, which is to be or may be provided by regulations under this Act and in respect of which no rules have been made.

(3) Every regulation made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total of third days which may be comprised in one session or in two or more successive sessions aforesaid, both Houses agree in making any modification to the regulation or both Houses agree that the regulation should not be made, the regulations shall thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment

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shall be without prejudice to the validity of anything previously done under that regulation.

8. It can be noticed that clause (e) referred to above includes the power to lay down the subject of examination and standards of proficiency. Clause (g) sets out the standards of staff, equipment, accommodations and other facilities. It could also be noticed that regulations are required to be notified in the official gazette and as per clause (1) and (2), the regulation to be placed in each Houses of Parliament. Section 21 on which reliance is made by the counsel for the respondent is cryptic in its nature that it sets out the Council''s power to prescribe the minimum standards of architectural education but the manner of how those standards will be laid down, in my view, could be done only through the regulations which are notified under Section 45. The Council of Architectural Regulations of 1982 have indeed been issued in exercise of the powers conferred under sub-section 1 read with clauses (a), (b), (c), (d), (e), (f) and (i) of sub-section (2) of Section 45 of the Act. We have already seen that clauses (g), (e) and (h) referred to the courses of study, standard of education, the conduct of examinations etc. The regulations of the year 1982 have been admittedly notified in the Official Gazette. Clause 29 of the regulation in Part VIII provides for inspection of educational institutions and their examinations and clause 30 deals with powers and duties of inspectors. Sub-clause (d) of Clause 30 allows for the inspector to report to the Executive Committee his opinion as to the sufficiency or inefficiency of standard of education or examination of institutions inspected by him. Sub-clauses (4), (5) and (6) are relevant, for, they detail all procedures and the authorities to whom the confidential report could be forwarded and they are, therefore, reproduced as under:-

4. Copies of the report by inspectors marked confidential shall be forwarded to the University or the examining body concerned as well as the institution with a request that the authority should furnish to the Executive Committee within six months from the date of despatch, such observations thereon as they may think necessary.

5. A confidential copy of report of an inspector or inspectors, with the observations of the University or the examining body or the institution thereon, shall be supplied to each member of the Council and shall be considered together with comments of the Executive Committee by the Council along with the observations thereon of the Executive Committee for consideration by the Council at their next meeting.

6. A copy of every report by the inspector or inspectors, with the observations of the University or the examining body and the institution concerned and the opinion of the Executive Committee thereon, shall, after approval by the Council, be forwarded to the Central Government and State Government concerned.

(b) Regulations of 2008 - Respondents reliance for sanction

9. The counsel relies on the minimum standards prescribed in 2008 under

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Section 21 of the Architects Act and reads to me Clause 6 on the source of power to administer sanctions. The provision reads thus:-

"6. Sanctions:- Any violation of these minimum standards by a College/ Institution/University may attract reduction in its intake/no intake/withdrawal of intake, No Admission status and in case of continuous failure to maintain the standards, the Council may initiate process for derecognition of qualification awarded by the particular College/Institution/University or any such other action as the Council deems necessary in such cases."

(c) Specific protocol for the manner of enforcing minimum standards

10. It can be noticed here also that the Council that finds any deficiency forwards first to the University, the University makes its observations and forwards with the comments of the Executive Committee of the Council and its own observations for consideration by the Council at the next meeting. The copy of the report, the observations of the University and the response of the examining body or the institutions concerned would then be placed for approval to the Council and forwarded to the Central Government and State Government concerned.

11. It will be evident from the scheme of the Act and regulations that there is a very specific protocol laid down as to how the Council operates to enforce its standards and puts it across to the University, elicits its recommendation and puts it to the Central Government and the State Government. This protocol is to enable the Government to take a decision under Section 20 itself for withdrawal of recognition by an appropriate notification in the Schedule against the recognition of the qualification of the particular institute. There is nowhere under the scheme of the Act and the regulations that makes it possible for the Council to withdraw the approval for running of the institute. The manner of regulating the intake depending on the strength of the faculty would surely vest with the Council but for any deficiency that arises, it will have no more power to take any action for withdrawal of sanction to admit students than to make appropriate recommendations for the Central Government to act. It must be remembered that recognition that an institute obtains is through an affiliation with the University which carries its own inspection and as in this case, it would be evident from the documents placed that University has carried out its inspections and they have found nothing deficient and they have allowed for the continuance of affiliation.

(d) Minimum standards (2008) by very nature are regulatory; they cannot include power to withdraw permission to run an institute

12. Minimum standards issued in 2008 no doubt provide for a broad outline for issues of duration of course, admission norms etc. enforcing the correctives by imposing sanction that may initiate a process of non-recognition but in my view, as rightly contended by the Senior Counsel for the petitioner has no enforceability, being not notified. Assuming that they do not require to be

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notified, since they are not regulations, the provision only makes possible for it to initiate a process of de-recognition of qualification awarded by the college or university. The process is a process which we have outlined above, namely, following the regimens outlined in the earlier para. It can not amount to recognizing a power to withdraw permission to admit students or order transfers.

VI. Council has no power to withdraw permission - Precedents cited by respondent do not support such a view

13. Learned counsel appearing on behalf of the respondent would refer me to a decision of the Bombay High Court which, according to him, has addressed the same issue of the power of the Council to withdraw an approval from the college. The counsel refers to Kum. Khyati Girish Purnima Kulkarni v. College of Architecture and others in CWP No. 2185 of 2012 decided on 11.06.2012. That was a case where the High Court was considering a claim by a student that she must be treated as duly qualified and having been properly admitted to her B. Arch course had sought for a declaration that Regulation 4 of 1983 Regulations issued under Section 45 to be declared ultra vires. The Court was considering the effect of the Council of Architecture, its recommendation for de-recognition of the 1st respondent college on the ground of illegal admissions made by the college and by its defiance of the compulsory minimum norms prescribed by the Council. The Court found that the admission granted by the college even when the admission had not been approved of by the Council could not be interfered with at the interlocutory stage. I cannot take this decision to be of any precedent value, for, (i) it is with reference to consideration of the case at the interlocutory stage and (ii) there has been no consideration of the issues which are brought before me of the interplay of the provisions of the Act and regulations and the power of the Council to withdraw approval for admission after an inspection.

14. The respondent himself refers to a decision in Shri Prince Shivaji Maratha Boarding House College of Architecture and others v. Union of India and others in CWP No. 5942 of 2004 decided on 08.09.2004 that examined the question whether All India Council of Technical Education Act overrides the provisions of Architects Act of 1972 in manner of regulating the norms and standards of architectural education. The Court held that role of AICTE shall be advisory in its character and the provisions of the Architects Act must prevail over the AICTE Act. As regards the matter of prohibition and regulating the norms and standards of architectural institutions, we do not have literally a tussle between AICTE and the Council and if this judgment has any relevance, it is only to the effect that the Council has pre-eminent power to prescribe the norms and standards of education and it would secure enforcement of its norms. I have no difficulty in assigning to the Council a pre-eminent role in prescribing norms and ensuring that the norms are duly complied with. The issue is only whether a Council that finds that norms are not duly complied could itself escalate the issue for de-recognition or withdrawal of approval for admissions.

15. It is in that context yet another judgment with the learned counsel points out

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obtains significance namely of the decision of the Madras High Court in The Indian Institute of Architects, Tamil Nadu and others v. The State of Tamil Nadu and others in C.W.P. No. 9707 of 2003 dated 21.07.2003. The counsel would make a particular reference to the observations of the Court in para 26 where the Court held as follows:-

"The legislative activity of the State has been increasing in response to the increase in its functions and responsibilities. When legislature is pre-occupied with more important policy matters and rarely finds time to discuss matters of details. It therefore formulates a legislative policy and gives power to the Administration to make the subordinate legislation for the purpose of implementing the policy. If the nature of one particular Act is technical, it may be necessary to obtain the assistant of Experts in providing matters of details. Once legislature or Parliament left the matter to the experts to decide, it cannot be laid down by it. Delegated legislature required less formal procedure and can be a good device for flexibility. In this case, the Regulations empower the Council to prescribe norms/minimum standards to meet the requirements of the profession and education of Architecture. Hence, I am of the view that the guidelines prescribed have statutory force. The guidelines are neither inconsistent nor contradictory or excess of authority actually delegated."

16. The reference to this is in the context of how the Court recognized that regulations empower the Council to prescribe the minimum norms and the guidelines that are issued have a statutory force. This, again, I must observe creates no conflict in the situation, for, there is not an issue anywhere here that the Council was not competent to make an inspection or recommendation that any of the infrastructure maintained is inadequate or teachers'' strength or the quality of education is not upto the mark. It will literally amount to arrogating to itself the decision to de-recognize the degree which is conferred to a student after the examination and withdrawal of recognition of its existence, both of which the Council cannot do. The validity of the degree obtained through the affiliation that an institute secures flows from the University and not on account of any approval granted by the Council. The Council will mind itself only about setting the standards and making appropriate recommendations to the Government and the University in the event of any breach. The Council has no power, in my view, to act in the manner in which it did.

VII. Surprise inspection could be carried even within 5 years of earlier inspection

17. Though the power to undertake the inspection within a period of 5 years was also stated as one of the grounds of challenge to the impugned order, I will discard any such argument, for, the power to carry out surprise inspection cannot be done with notice to any institute nor would it obtain any meaning that inspection could be done only once in five years. The five year period must be understood as maximum period beyond which it will not postpone its inspection. An institute that has allowed the inspection to be done cannot be seen to be in breach once the inspectors have departed. If such an interpretation to be taken,

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it will lead an absurd situation to an institute showcasing of the relevant infrastructure and facilities as though it organizes an event for a day and withdraws it the next day after the inspection is over. Even the learned Senior Counsel was not prepared to make such a suggestion and he confined his argument only to the impermissibility of the Council itself to withdraw the approval. He was not averse to an inspection being done, which he cannot do any way, having already secured orders from this Court for admission of a fresh batch of students for the academic year 2014-15 on the ground he will have no objection at all for the Council to make an inspection and assure itself of the infrastructure that is available and the faculty strength and their eligibility.

VIII. Reminder to Council of its solemn function

18. The Senior Counsel also argued that the members of the Council are themselves involved in establishing other institutions where they engaged the services of persons who are less qualified than the petitioner''s and where the strength of the respective colleges is even less than what is prescribed and if an inspection must be carried to his institute, a similar exercise must also be done by the members of the Council to the institutes run by the member of Council in their institutes. I cannot give such direction in this case but it will be open to the petitioner to bring to the attention of the University and the Central and the State Government the deficiencies of other institutes and ensure a fair appraisal of other colleges which are affiliated to the University. Caesar''s wife must be above suspicion shall be taken as a ground-norm that the members of the Council regulate their conduct in such a way that they are not seen doing anything which sets out a poor example for any other college which they seek to supervise and enforce a discipline. It is commonplace knowledge that good conduct and rectitude percolates from top downwards. It is in the example of the leader that a following by the milieu is possible. If the members of the Council are themselves seen in breach in their personal lives or in the institutes they run, it will be a mockery of the integrity of the institutions and they can enforce any discipline elsewhere. All of what they cannot do to themselves they can never make others do. They needlessly invite a public odium for the poor example that they set. I am not making pre-judgment on the quality of education or the quality of institutes of some members of the Council are reported to be involved. But I am only sounding my expressions of anxiety that an attempt at inspection for the petitioner does not get to be another witch-hunt, looking for specs of insects here and there which could be removed with very little effort. It is in removing the insects that building could be cleansed instead of bringing down the whole edifice for keeping the building insects free.

IX. Disposition

19. The impugned order is quashed. The Council shall, however, be at liberty to carry out its inspections for ensuring that the petitioner''s institute conforms to the norms to justify the approval for admissions obtained through the Court for the academic year 2014-15 and administer such correctives as are necessary by

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engaging in meaningful dialogue and as a body that lays down the academic standards, secures compliance if ever there is deviance by making its recommendations to the University and the State or the Central Government. The writ petitions are allowed with costs assessed at Rs. 25,000/- against the 2nd respondent.

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