

(2013) 08 P&H CK 0186
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 17127 of 2013

Naraini Educational and Charitable Society's Group of
Institution and Another

APPELLANT

Vs

The Kurukshetra University and Others

RESPONDENT

Date of Decision : 13-08-2013

Acts Referred:

All India Council for Technical Education Act, 1987 — Section 2(g)

Citation : (2014) 1 SCT 206

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Advocate : U.K. Agnihotri, for the Appellant; G.S. Sidhu, Advocate for Respondent No. 1, Mr. P.K. Chug, Advocate for Respondent No. 2 and Mr. Amit Rao, Advocate, for the Respondent

Judgement

Rakesh Kumar Jain, J.—The short issue involved in this case is that in the admission brochure of MBA for the Session 2013-14, it has been

mentioned that the petitioner/College cannot offer admission to students in the MBA (General) Course because AICTE has not granted extension

of approval. At the time of preliminary hearing, learned counsel for the petitioners has submitted that for the purpose of admission in the MBA

(General) Course, the approval of the AICTE is not required in view of the decision of the Supreme Court rendered in Association of

Management of Private Colleges Vs. All India Council for Technical Education and Others, .

2. After notice, learned counsel for the respondents have put in appearance and it has been submitted by learned counsel for respondent No.

3/AICTE that a review application is filed in the case of Association of Management of Private Colleges (Supra).

3. Learned counsel for the petitioner has submitted that even the said review application has been dismissed by the Supreme Court on 23.7.2013

and has referred to para 43 of the judgment, which reads as under: -

43. As per definition of "technical education" u/s 2(g) of the AICTE Act and non production of any material by the AICTE to show that MBA

course is a technical education, we hold that MBA course is not a technical course within the definition of the AICTE Act and in so far as reasons

assigned for MCA course being "technical education", the same does not hold for MBA course. Therefore, for the reasons assigned while

answering the points which are framed in so far as the MCA course is concerned, the approval from the AICTE is not required for obtaining

permission and running MBA course by the appellant colleges.

4. In view of the aforesaid decision of the Supreme Court and the fact that the petitioners have been debarred to offer admission in MBA

(General) Course only because of the reason that the AICTE has not given extension of approval, the present writ petition is hereby allowed. The

offending part in the brochure whereby the intake of seats to the petitioner/ College has been shown to be "zero" because of the reason that AICTE

has not granted approval is hereby declared to be illegal, null and void.

5. At this stage, learned counsel for the petitioners has submitted that the intake of the petitioner/College for admission to MBA (General) Course

is of 60 students. Thus, the petitioner/College is held entitled to offer admissions to 60 students.

6. Respondent No. 2 is thus, hereby directed to upload on its website that the petitioner/College is entitled to intake of 60 students in the MBA

(General) Course for the academic year 2013-14. The needful shall be done today only. A copy of this order be given to counsel for the parties

under the signature of the Bench Secretary of this Court.