

(2014) 10 SC CK 0003

In the Supreme Court Of India

Case No : SLP(C) Nos. 26648, 26694, 26968, 26972 and 27801/2014, W.P.(C) Nos. 864, 866, 880 and 921/2014 and SLP (C)...CC Nos. 16719, 16731, 16754, 17025, 17027, 17090 and 17144/2014

Nawab Shah Alam Khan College of Engineering

APPELLANT

Vs

Jawaharlal Nehru Technology University

RESPONDENT

Date of Decision : 29-10-2014

Acts Referred:

Citation : (2014) 10 SC CK 0003

Hon'ble Judges : Sudhansu Jyoti Mukhopadhaya, J; Sharad Arvind Bobde, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Interlocutory Applications in C.A. No. 9048/2012 have been filed by the Institutions/Colleges imparting teaching of engineering pharmaceuticals courses within the State of Telangana seeking extension of time/schedule of counselling and admission in the private un-aided AICTE approved technical colleges imparting teaching of technical courses for the Academic Sessions 2014-2015. Earlier I.A. No. 46/2014 in C.A. No. 9048 of 2012 was filed by the State of Telangana for extension of time in view of creation of the State of Telangana on 2nd June, 2014. Similar I.A. Nos. 50, 51, 52, 53, 54, 55, 56 of 2014 were also filed by the Technical Institutions situated within the State of Haryana for impleading them as a party in C.A. No. 9048/2012 alongwith applications seeking extension of time/schedule of counselling and admission in the private unaided AICTE approved technical colleges imparting teaching of technical courses for the Academic Sessions 2014-2015.

2. Taking into consideration the fact that if extension is allowed, the students will not suffer and on contrary, if not allowed, many of the students may suffer by not getting admission, inspite of vacancy in different institutions. This Court by order dated 29th August, 2014 passed following order:

The Applicants have now proposed the academic calendar for admission in their

Colleges/Institutions, without loss of teaching days, making Saturdays as teaching days:

The learned Counsel appearing on behalf of other applicants and AICTE submits that there is no objection if the Academic Calendar Year proposed by the applicant - International Institute of Technology & Business, Sonapat and others in I.A. No. 50/2014 is allowed. It may be allowed to be applied to other institutions who have filed similar applications.

Having heard the learned Counsel for the parties, we direct to implead the applicants as party to C.A. No. 9048/2012, extend the cutoff for counselling and admission as fixed by the final judgment and order dated 13th December, 2012 passed in C.A. No. 9048/2012 by one week i.e. 5th September, 2014 with clear understanding that they will admit the students and complete the Session as per the time schedule shown and recorded above.

This extension of time for Counselling and Admission shall be applicable to the Colleges/Institutions who have filed the applications for impleading as the parties to the present appeal and the Colleges and Institutions for whom permission has been sought by AICTE.

3. In these applications the grievance of the applicants is that inspite of the extension granted by this Court, about 174 private technical colleges/institutions of the State of Telangana, who were recognized by Jawahar Lal Nehru Technology University, Hyderabad (hereinafter referred to as the "University") have not been allowed counseling and admission of students.

4. According to the university, the colleges/institutions in question have not been granted reaffiliation for the Sessions 2014-2015 as they do not fulfil all the requisite conditions. On the other hand, according to the council for the applicants, all the technical colleges/institutions fulfilled all criteria and, therefore, approved by All India Council of Technical Education (AICTE)/Pharmaceutical Council of India for the Sessions 2014-2015. It is also contended that these colleges/institutions were in fact affiliated with the university for the session 2013-2014 but on wrong ground they have not extended the affiliation. Further according to applicants, the AICTE/Pharmaceutical Council of India, being bodies constituted under the Central Act, their finding relating to approval will prevail over the finding of the university regarding fulfillment of requisite conditions.

5. We have heard the learned Counsel for the parties and perused the record. Taking into consideration the fact that the applicant institutions and others though are approved by AICTE/Pharmacy Council of India for the Sessions 2014-2015 and that these institutions were affiliated with the University for the session 2013-2014, but for a dispute they have not been allowed counseling of students and their admission, we are inclined to extend certain time to enable those technical colleges/institutions to admit students with specific conditions. The students who complete minimum attendance in the classes as is required

under the AICTE Act, 1987 and regulation framed thereunder, relevant portion of which reads as follows:

"20.2 The academic session and the teaching process shall commence on 1st August of the year in which the academic session is to commence and the concerned University/Boards shall ensure the total number of teaching days, practical and contact hours with students in a given academic session are strictly in accordance with the following schedule:

6. Therefore, we allow the prayer and pass the following order:

The concerned authority will call for applications for counselling and admission immediately and admit those students who have competed the examination recognised/conducted by State for admission in Technical Colleges/Institutions, on or before 14th November, 2014. Rest of the calendar will be as follows:

7. Insofar affiliation of institutions by the University is concerned, the Colleges/Institutions who have already filed an application for renewal of affiliation for the Sessions 2014-2015 or may file such application with requisite fee by 5th of November, 2014, the University if so required may inspect the colleges through an appropriate Committee consisting of external experts from IIT, Hyderabad and BITS, Pilani at Hyderabad. Applicants and other Colleges/Institutions will cooperate with them. After the inspection, the University will pass appropriate order by 31st December, 2014.

8. In case of refusal of affiliation, the University will give reason as to why they have refused renewal of affiliation of the Colleges/Institutions, when they were earlier affiliated with the University for the Session 2013-2014. If there is a minor deficiency, the University may grant conditional renewal of affiliation with stipulation that minor defect should be removed within a specified period.

9. The University in such a case should also give reason as to why the approval granted by AICTE/Pharmacy Council of India for the Session 2014-2015 shall not prevail over the finding of the University. However, in case of any dispute, the concerned College/Institution may move before the Court of Competent Jurisdiction for appropriate relief.

10. All the Colleges/Institutions who have been allowed to admit students will make it clear to the students that their admission are subject to the affiliation by the University and in case of refusal or non grant of affiliation, the College/Institution will be liable to refund the fee to the students.

11. We also direct the Colleges/Institutions that in case they admit the students, their fees be kept in a separate interest bearing bank account, until such time the affiliation is received, so that in case of refusal, they may refund the amount to the concerned students. We make it further clear that no capitation fee or hidden charges should be charged during the admission.

12. It is also made clear that while admitting the students, no college/institution

will admit those students who have already been admitted in other colleges/ institutions within the State nor admit the students by transfer from other Colleges/Institutions.

13. Each of the Colleges/Institutions will file undertaking with the university within one month, that they will follow the time Schedule and if they hold extra classes beyond seven hours, they will pay overtime to the teachers. Any breach of the undertaking, shall be considered as breach of the order passed by this Court. This order will be confined to the Colleges/Institutions situated within the State of Telangana. Applications are disposed of.