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**(2009) 07 P&H CK 0248**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : C.W.P. No. 8318 of 2009**

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|---------------------------------------|------------|
| Shree Siddhivinayak Educational Trust | APPELLANT  |
| Vs                                    |            |
| State of Haryana and Others           | RESPONDENT |

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**Date of Decision :** 15-07-2009

**Acts Referred:**

**Citation :** (2009) 2 ILR (P&H) 1077

**Hon'ble Judges :** Permod Kohli, J

**Bench :** Single Bench

**Advocate :** Sunil Chadha, for the Appellant; R.S. Kundu, Addl. A.G. for Respondent Nos. 1 and 2 and S.K. Sharma, for the Respondent

**Final Decision :** Allowed

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## Judgement

Permod Kohli. J.

1.1 have heard the learned Counsel for the parties at length and perused the record.

2. The Petitioner is a registered educational trust. It has established two Institutes, namely, Ganpati College of Engineering for Girls and Ganpati College of Management for Girls in Village Shahpur, Tehsil Bilaspur, District Yamuna Nagar (Haryana), with the prior approval of the All India Council of Technical Education (hereinafter referred to as the AICTE). The Petitioner is running these Institutes for imparting education in the above mentioned fields for the girls.

3. Respondent No. 3, issued advertisement Annexure P-2, inviting applications for Development of Multi Disciplined Integrated Campus Imparting Technical Education. The Petitioner applied in response to the aforesaid advertisement for integration of the two Institutes being run by it,--vide its application dated 26th November, 2008 (Annexure P-3). It is alleged that the two Institutes fulfil the norms laid down by the AICTE for integrated Campus. Paragraph 2 of the advertisement permit the existing Institutes also to establish integrated Campus and reads as under:

## 2. Submission of application and Approval process:

### Category I--Existing Institutions:

An application can be submitted to AICTE New Delhi in a prescribed format which can be downloaded from AICTE Website: " [www.aicte.ernet.in](http://www.aicte.ernet.in) by a registered Society/Trust which is running various AICTE approved institutions in the field of technical education on a contiguous land area as per norms alongwith an application fee of Rs. 1,00,000 through a demand draft drawn in favour of Member Secretary, AICTE, payable at New Delhi for integration of existing technical institutions.

Approval process: The application shall be processed through a Committee constituted by the Council, Based on the recommendations of the Committee, the Council shall take a decision on granting permission for development of Integrated Campus having Multi-Discipline imparting technical education.

4. The request of the Petitioner for integration of the existing institutions and for conversion of girls institution to co-education has been rejected,--vide letter, dated 4th March, 2009, Annexure P-7. The grounds for rejection are as under:

1. In order to encourage spread of Technical Education among women, AICTE relaxed certain norms pertaining to land, FDR, Processing Fee, No. of Course with intake etc. for institutions set up exclusively for women. Moreover, as a matter of policy AICTE does not allow conversion of Women Institutions to Co-Educational Institutions due to different norms and approval process for two types of Institutions. Any such conversion will be detrimental to the purpose for which scheme of establishment of Women Institutions was started.

2. The Institution which submitted detailed Project report with vision, mission and goals for establishment of Women's Engg. College and Management Institute in 2008-09 to promote Women's Technical and Management Education and got approval of AICTE is deviating from its own original commitment for promotion of Women's education for pure monetary consideration.

5. From the reading of the aforesaid grounds, it appears that the claim of the Petitioner for integration of the Campus has been rejected on the ground that the Institutions were established as Women institutions and now the Institutions intend to convert the same into Coeducation Institutions which is likely to defeat the purpose for which the Institute was established for women education. It is also the case of the Respondents that for establishing the Women Institution there had been relaxation in the norms and the Petitioner has taken benefit of the relaxed norms. The Petitioner now wanted to convert the Women Institutions into Co-education Institutions.

6. In the short reply filed by the Respondents, the grounds for rejection as mentioned in Annexure P-7, have been reiterated.

7. Vide order, dated 10th July, 2009, further information was sought from the

AICTE. The said order reads as follows:

Reply on behalf of Respondents No. 3 and 4 filed in Court is taken on record.

The moot question that needs consideration is whether the policy of the AICTE permitting establishment of girls institute is an absolute bar for its alteration at any subsequent stage or there is no embargo for such an established institution to apply for deviation for conversion into a co-education institution. Mr. Sharma shall produce the requisite policy on the next date of hearing. List on 14th July, 2009.

8. Mr. S. K. Sharma, learned Counsel appearing for the AICTE has produced the Policy Decisions of the Council with regard to Approval Process. He has referred paragraphs 9.20, 9.21 and 9.28 of the Policy Decision to argue that the Petitioner is not entitled to convert its existing institutions into integrated Campus as a Co-education institution. Paragraph 9.20 deals with the change of name of an institution, whereas paragraph 9.21 deals with change of category of an Institution i.e. from Self-financing to Aided etc. Both these paragraphs have no application in the present case. Paragraph 9.28 deals with the establishment of New Technical institutions for Women, which is reproduced as under:

#### 9.28 Establishment of New Technical Institutions for Women.

For establishment of new technical institutions exclusively set up for women certain norms have been relaxed which are as follows:

(a) Land: For the technical institutions exclusively set up for women, the land norms prescribed for establishment of all other Technical Institutions have been relaxed up to 50% in rural category and 20% in Metro and State Capital category and 10% in Mega Cities category.

(b) FDR and Processing Fee: 20% relaxation are allowed in FDR amount and processing fees for establishment of new technical institutions exclusively set up for women.

(c) Built up area and Number of courses and intake: The total built up area required for setting up of new institutions are as per existing norms. However, to start with institutions for women will be allowed up to 5 courses with total annual intake of 300 with each course intake not exceeding 90.

(d) Single window system for processing proposals: Two copies of the application shall be submitted to the Member Secretary, AICTE along with a proof of having submitted a copy of the application each to the affiliating University and State Government and a Demand Draft of Rs. 5,000 drawn on a nationalized bank in favour of "The Member Secretary, AICTE" payable at New Delhi. One copy of the application shall be directly submitted each to the affiliating University and the State Government either in person or through Speed/Registered Post.

9. From the perusal of the aforesaid paragraph, it is abundantly clear that the establishment of the New Technical Institutions for Women, the AICTE had

introduced various incentives stipulated therein. It is not in dispute that the Petitioner did avail all incentives while introducing two Women Institutions referred to above and now the Petitioner-Trust has approached AICTE for conversion of these Institutions into co-educational institutions and for integration of the Campus.

10. Mr. Sunil Chadha, learned Counsel for the Petitioner has made a statement at the Bar and has also referred to the averments made in his application Annexure P-3 to the effect that the Petitioner is still ready and willing to forego all incentives. No only this, the Petitioner has given the details in paragraph 21 of the writ petition to indicate that Petitioner has already surrendered all incentives and benefits secured at the time of establishment of the two Women Institutions. It is also stated that the land for co-educational/integrated Campus has already been purchased and the necessary infrastructure is complete and ready. It is also stated that the Petitioner even deposited the additional fee for establishing a co-educational Institution. It is, accordingly, prayed that the Petitioner may be permitted to switch over to the coeducational institution beacuse the Petitioner has completed all norms as required by the AICTE.

11. Even though the AICTE in its impugned letter Annexure P-7 has rejected the claim of the Petitioner for conversion of the Girls Institutions to Co-educational Institutions, but no rules, regulations or norms or policy decision has been brought to the notice of this Court with regard to conversion of the Girls Institutions into co-education Institutions. What has been brought to my notice is paragraph 9.28 of the Policy decision which only provides for relaxation of norms in case one intends to establish a girl institute. It does not, in any manner, create an embargo for conversion of the girls Institution to co-educational institution if the Institution is ready and willing to meet all norms/ requirements of the AICTE.

12. In view of the above, present petition is allowed. Impugned letter, dated 4th March, 2009, Annexure P-7, is hereby set aside. The AICTE is directed to take a fresh decision on the application of the Petitioner for conversion of the existing girls Institutions to that of co-education Institutions with integrated campus on the basis of the norms meant for the Co-education Institutions/integrated campus, as stipulated in Anneuxre P-2. The Petitioner has also notified the courses intended to be started after coversion, even though, presently, the Petitioner is running different kinds of courses. AICTE will also examine this aspect of the matter and may permit the Petitioner to switch over to new courses as may be considered appropriate. The AICTE is further directed to pass a fresh order keeping in view the above aspects subject to fulfillment of the necessary conditions/norms by the Petitioner in this regard. Let the decision in this regard be taken within a period of one week from the date a certified copy of this order is made available to the competent authority.