

(2014) 11 SC CK 0091
In the Supreme Court Of India
Case No : SLP(C) No. 30028 of 2014

VIF College of Engineering & Technology	APPELLANT
Vs	
Jawaharlal Technological University (JNTU)	RESPONDENT

Date of Decision : 18-11-2014

Acts Referred:

Citation : (2014) 4 ESC 734

Hon'ble Judges : Sudhansu Jyoti Mukhopadhaya, J; N.V. Ramana, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This special leave petition has been preferred by the Petitioner against order dated 1st September, 2014 passed by learned Single Judge of the High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh in WPMP (SR) No. 32266 of 2014 in W.P. (SR) No. 25817 of 2014. By the impugned order, the High Court rejected the Petitioner's prayer for interim direction for fresh counselling or supplementary counselling.

2. The Petitioner - VIF College of Engineering & Technology (hereinafter referred to as "Institution") is an Engineering College approved by AICTE and was affiliated from time to time by the Respondent university. The grievance of Petitioner is that suddenly, the Respondent University withdrew the affiliation to the college and as a result, the Petitioner-institution was restrained from conducting counselling of students for the academic year 2014-2015. In this background, the Petitioner preferred writ petition challenging the refusal to grant affiliation by the University and sought for interim relief which was refused by learned Single Judge of the High Court by the impugned order.

3. It has been brought to our notice that similar grievances were raised by different colleges and engineering institutes in SLP(C) No. 26648 of 2014 in "Nawab Shah Alam Khan College of Engineering and Ors. v. Jawaharlal Nehru Technology University and Ors. In the said case, this Court by order dated 29th

October, 2014 extended the period in respect of Colleges/Institutions situated within the State of Telangana which were not granted renewal of affiliation for the academic session 2014-2015. The following order was passed by this Court:

"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 Tenengana, 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.

According to the university, the colleges/institutions in question have not been granted reaffiliation for the Sessions 2014-2015 as they do not fulfill 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.

We have heard the Learned Counsel for the parties and perused the record. Taking into consideration the fact that the applicant institutions and Ors. 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 concern 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:

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:

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 ITT, 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.

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.

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.

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. 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. 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.

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 Telengana.

Applications are disposed of."

4. The case of the Petitioner being covered by order dated 29th October, 2014 passed in SLP(C) No. 26648 of 2014, no separate order is required to be passed in this case The Petitioner may proceed in accordance with the said order. Insofar as the matter relating to affiliation is concerned, the High Court will decide the same on merit uninfluenced by order passed by High Court and this Court. The special leave petition stands disposed of.