

(2012) 08 BOM CK 0138

In the Bombay High Court

Case No : Writ Petition No. 7169 of 2012

Vishwanathrao Shamrao Patil Charitable Trust Sangli and
Another

APPELLANT

Vs

Versus All India Council for Technical Education and Others

RESPONDENT

Date of Decision : 08-08-2012

Acts Referred:

Citation : (2012) 08 BOM CK 0138

Hon'ble Judges : R.D. Dhanuka, J;D.Y. Chandrachud, J

Bench : Division Bench

Advocate : V.P. Sawant with Mr. Nitin Dhumal, for the Appellant; Rui A. Rodrigues for Respondent Nos. 1 and 2. Mr. Sameer N. Patil, A.G.P. for Respondent Nos. 3 and 4., for the Respondent

Judgement

R.D. Dhanuka, J.—The dispute in the present case relates to grant of approval to the Engineering College of the petitioners from the academic year 2011-12. The Petitioners have impugned the order dated 5 July 2012 passed by AICTE refusing to recommend the proposal of the petitioners for establishment of a new technical institution for the academic year 2011-12. The petitioners had filed a writ petition (5694 of 2011) seeking letter of approval to the petitioner's new Engineering College for the academic year 2011-12. By an order dated 5 July 2012, the following directions were given :

"In order to allow the Petitioner a reasonable opportunity to set things in order to take necessary remedial steps, we grant a period of three weeks within which the Petitioner shall move the competent authority of the AICTE with an updated position with reference to the deficiencies reported on 16 April 2012 by the expert committee. The competent authority shall take a decision in accordance with law upon due verification of compliance by the Petitioner. In view of the aforesaid direction, we do not consider it necessary to keep the Petition pending any further. The Petition shall accordingly stand disposed of.

2. The AICTE has thereafter filed a Review Petition (95 of 2012) seeking review

of the order dated 5 July 2012 on the ground that AICTE was not aware of the issuance of the letter of rejection dated 5 July 2012 by the headquarters of AICTE at the time of the passing of the order dated 5 July 2012 in Writ Petition 5694 of 2011. By an order dated 8 August 2012, this Court has rejected the Review petition. The record produced by the parties indicates that the impugned order dated 5 July 2012 passed by AICTE is without reference to this Court's order dated 5 July 2012 allowing the petitioner to move AICTE with an updated position with reference to the deficiencies reported on 16 April 2012 by the Expert Committee and directing the Competent Authority to take a decision in accordance with law upon due verification of compliance by the petitioner. We therefore, pass the following order :

The impugned order dated 5 July 2012 passed by AICTE rejecting the application of the petitioner is set aside. The Petitioner is directed to move the competent authority of the AICTE with an updated position with reference to the deficiencies reported on 16 April 2012 by the Expert Committee. The Competent Authority is directed to take a decision in accordance with law upon due verification of compliance by the petitioner.

The Petition stands disposed of in these terms. No order as to costs.