

ITEM NO.1

COURT NO.3

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. 92/2016 in Civil Appeal No(s). 9048/2012

PARSHAVANATH CHARITABLE TRUST & ORS

Appellant(s)

VERSUS

ALL INDIA COUNCIL FOR TECH.EDU& ORS.

Respondent(s)

(for impleadment and office report)

Date : 31/05/2016 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE AMITAVA ROY
(VACATION BENCH)

Counsel for parties Mr. Amitesh Kumar, Adv.
Ms. Priti Kumari, Adv.
Mr. Mritunjay Kumar Sinha, Adv.

Mr. Jatin Zaveri, Adv.

Mr. Anil Soni, Adv.

Mr. Abhimanyu Tiwari, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Kalinder Mishra, Adv.
Mr. Shree Pal Singh, Adv.

Mr. Ajay Choudhary, Adv.
Mr. Aniruddha P. Mayee, Adv.
Mr. Gopal Singh, Adv.
Mr. G. Ramakrishna Prasad, Adv.
Mr. Guntur Prabhakar, Adv.
Mr. Mritunjay Kumar Sinha, Adv.
Mr. Navin Prakash, Adv.
Mr. Satish Kumar, Adv.

Mr. Siddharth Singla, Adv.
Mr. S. Udaya Kumar Sagar, Adv.
M/s. Lawyer S Knit & Co.
Ms. Pratibha Jain, Adv.
Ms. S. Ramamani, Adv.

UPON hearing counsel the Court made the following
O R D E R

It appears that there is a serious lapse on the part of the AICTE in following the time frame fixed by this Court by Judgment and order dated 13.12.2012 in Civil Appeal No. 9048 of 2012 in respect of approval to be granted by AICTE, University/State Government for counselling and admission in the technical institutions. According to the University, under which the technical institutions are to admit the students in whole of Uttar Pradesh, are 612 in number. In fact, in this case, the approval of the AICTE reached the applicant University only on 07.05.2016, without adhering to the calendar set up by this Court by the Judgment and order dated 13.12.2012.

It also appears that the AICTE acted in this matter very casually and without paying any heed to the time schedule fixed by this Court for that purpose. The schedule which had been approved by this Court is reproduced as under :-

Event	Schedule
Conduct of Entrance Examination (AIEEE/State CET/Mgt. quota exams etc.	In the month of May
Declaration of Result of Qualifying Examination (12th Exam or similar) and Entrance Examination	On or before 5th June
1st round of counselling/admission for allotment of seats	To be completed on or before 30th June
2nd round counselling for allotment of seats	To be completed on or before 10th July

Last round of counselling for allotment of seats	To be completed on or before 20th July
Last date for admitting candidates in seats other than allotted above	30th July. However, any number of rounds for counselling could be conducted depending on local requirements, but all the rounds shall be completed before 30th July.
Commencement of academic session	1st August.
Last date upto which students can be admitted against vacancies arising due to any reason (no student should be admitted in any institution after the last date under any quota)	15th August
<u>Last date of granting or refusing approval by AICTE</u>	<u>10th April</u>
<u>Last date of granting or refusing approval by University/State Govt.</u>	<u>15th May</u>

The Court, in addition, had specifically stated in paragraph 45 of the Judgment as follows :-

"We find that the above Schedule is in conformity with the affiliation/ recognition schedule above-noticed. They both can co-exist. Thus, we approve these admission dates and declare it to be the law which shall be strictly adhered to by all concerned and none of the authorities shall have the power or jurisdiction to vary these dates of admission. Certainty in this field is

bound to serve the ends of fair, transparent and judicious method of grant of admission and commencement of the technical courses."

(Emphasis supplied)

In view of this, it is clear that there has been a serious default on the part of AICTE in carrying out the order passed by this Court and for this, the academic prospects of the students are in jeopardy. In this premise, we have no other alternative but to extend the time till 10th June, 2016, as prayed for by the applicant University, considering the peculiar facts and circumstances of this case.

We make it clear that this order would not be construed to be a precedent and is being passed, considering the serious prejudice that the students of these institutions would otherwise suffer for no fault of theirs. Further, it is being done as a one-time measure.

We also make it clear that all other dates in the above time schedule which have been fixed by the Judgment and order dated 13.12.2012 should be scrupulously followed by the University and the institutions in this case for the rest of the process to admit the students.

We further issue notice to the AICTE to file an affidavit before us specifying the reasons for not following the order so passed by this Court on 13.12.2012. The said Affidavit shall be filed by the AICTE within a period of one week from today.

We further reserve orders on costs and damages in this matter by way of compensation to the students, if called for, since the time schedule fixed by the Court had to be departed from due to the failure of the AICTE to abide by it.

List the matter after one week.

A copy of this order be given Dasti to the learned counsel for the parties.

(Jayant Kumar Arora)
Sr. P.A.

(Sneh Lata Sharma)
Court Master