

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5835-5836 OF 2019
(Arising out of S.L.P.(C) Nos.17765-66 of 2012)

C.V. Raman College of Engineering

Appellant(s)

Versus

Biju Patnaik University of Technology
and Others

Respondent(s)

O R D E R

Leave granted.

We have heard Dr. Rajeev Dhawan, learned senior counsel for the appellant and Shri Shibashish Misra, learned counsel for the State. There is no representation on behalf of any other respondents in the matter.

Aggrieved by the inaction/refusal of the respondent-University and the State in passing orders granting autonomous status to the appellant-College, a writ petition was filed before the High Court of Orissa. Though the learned Single Judge allowed the writ petition, the said judgment was reversed by a Division Bench in the Letters Patent Appeal filed by the University and the State.

Consequently, the special leave petitions out of which these appeals have arisen were filed. During the pendency of the appeals in question, provisional autonomy was directed to be granted by this Court subject to the result of the special leave petitions. This order was repeated on several occasions. Finally, it appears from the record that the respondent-University by an order dated 12th August, 2017, has granted autonomous status to the appellant-College for the academic sessions 2017-2018 to 2022-2023. In these circumstances, an interlocutory application bearing I.A. No.119060 of 2017, has been filed with the following prayer:-

“Dispose of the SLP in view of the change in the circumstances pursuant to the grant of Autonomous for the petitioner College by the Respondent University vide letter dated 12.8.2017 for the academic session 2017-18 to 2022-23 for a period of six years on the basis of the UGC Guidelines with the concurrence of UGC and the Respondent Government vide their respective letters dated 8.6.2017 and 29.6.2017.”

Taking into account, the decision of the University Grants Commission to grant autonomous status to the appellant-College way back in the year 2010 and the several orders of this Court granting such status on provisional basis finally culminating in the order dated 12th August, 2017, we are of the view that the earlier orders making the grant of autonomous status, subject to the result of the

special leave petitions, may be suitably modified and such status granted by the order dated 12th August, 2017 up to the academic session 2022-2023 be allowed to operate on its own. Any change of position at the future point of time would afford the appellant a fresh cause of action which it will avail of if it becomes so necessary.

The appeals shall stand disposed of in the above terms.

.....CJI.
[Ranjan Gogoi]

.....J.
[Deepak Gupta]

.....J.
[Aniruddha Bose]

New Delhi
July 24, 2019.

ITEM NO.101

COURT NO.1

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

Civil Appeal No.364/2005

ALL INDIA COUNCIL FOR TECH. EDUCATION
REP BY ITS MEMBER SECRETARY

Appellant(s)

VERSUS

SHRI PRINCE SHIVAJI MARATHA BOARDING
HOUSES COLLEGE OF ARCHITECTURE THROUGH
ITS INCHARGE PRINCIPAL S

Respondent(s)

WITH S.L.P.(C) No.3964/2008 (IX)
S.L.P.(C) No.5400/2011 (IV-A)
S.L.P.(C) No.8443/2011 (IV-A)
S.L.P.(C) No.20460/2011 (IV-A)
S.L.P.(C) No.20655/2012 (XI-A)
S.L.P.(C) Nos.12801-12803/2012 (XI-A)
S.L.P.(C) Nos.17765-17766/2012 (XI-A)
(With appln.(s) for withdrawal of case and direction
S.L.P.(C) No.17765/2014 (XIV)
S.L.P.(C) No.17764/2014 (XIV)
W.P.(C) No.759/2014 (X)
S.L.P.(C) No.17006/2016 (IV-A)
(With appln.(s) for appropriate orders/directions)
S.L.P.(C) No.17005/2016 (IV-A)
S.L.P.(C) No.28121/2018 (XI-A)

Date : 24-07-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Appellant(s) Mr. Harish Pandey, AOR
Mr. Anil Soni, Adv.

Dr. Rajeev Dhawan, Sr. Adv.
Ms. Siddhi Padia, Adv.
Mr. Naveen R. Nath, AOR

Mr. Niraj Sharma, AOR

Mr. Ashok Mathur, AOR

Ms. Charu Mathur, AOR

Mr. Shibashish Misra, AOR

Dr. Rajeev Dhawan, Sr. Adv.

Rajdipa Bheura, Adv.

Ms. Hansika Sahu, Adv.

Mr. A. Venayagam Balan, AOR

Ms. V.S. Lakshmi, Adv.

Mr. Vijay Kumar, Adv.

Mr. Thomas O., Adv.

Mr. Aniruddha P. Mayee, AOR

Mr. Haris Beeran, Adv.

Mr. Mushtaq Salim, Adv.

Mr. Usman Ghani Khan, Adv.

Mr. Radha Shyam Jena, AOR

For Respondent(s)

Mr. V. N. Raghupathy, AOR

Md. Apzal Ansari, Adv.

Mr. Manendra Pal Gupta, Adv.

Mr. Ajit Kr. Sinha, Sr. Adv.

Ms. Binu Tamta, Adv.

Mr. G.S. Makker, Adv.

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Mr. Thomas O., Adv.

Ms. Bharti Tyagi, AOR

Ms. Asha Gopalan Nair, AOR

Mr. Naresh Kumar, AOR

Mr. Vishwajit Singh, AOR

Mr. T. C. Sharma, AOR

Ms. Neelam Sharma, Adv.

Mr. Rupesh Kumar, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR
Mr. Anoop Kandari, Adv.

Mr. Ashok Mathur, AOR

Mr. Harish Pandey, AOR

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Mr. Shibashish Misra, AOR

Mr. Milind Kumar, AOR

Mr. Gautam Narayan, AOR

Mr. Arunabh Chowdhury, Adv.
Mr. Rahul Pratap, AOR
Mr. Abhishek Roy, Adv.
Ms. Shruti Choudhry, Adv.
Mr. Dechen W. Lachungpa, Adv.

Mr. Arun Srikumar, Adv.
Ms. Pritha Srikumar, AOR
Ms. Mansi Binjrajka, Adv.

Mr. Raghenth Basant, Adv.
Mr. P. V. Dinesh, AOR
Mr. Sindhu T.P., Adv.
Mr. Mukund P. Unny, Adv.
Mr. Raghav Mehrotra, Adv.

Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. Manoj Ranjan Sinha, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

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

C.A. No.364/2005, S.L.P.(C) No.5400/2011, S.L.P.(C)
No.8443/2011, S.L.P.(C) No.20460/2011, S.L.P.(C)
No.17006/2016, S.L.P.(C) No.17005/2016 and S.L.P.(C)
No.28121/2018

Hearing concluded.

Judgment reserved.

S.L.P.(C) No.3964 of 2008

By an interim order dated 03.12.2007, the Bombay High Court had directed that the appellant-Council shall not insist on the institutions not to admit students without passing the aptitude test held by the Council. In an appeal before this Court, by interim order dated 29.2.2008, the operation of the said order of the High Court had been stayed.

At this stage, we are not inclined to pass any further orders in the matter except making the interim order dated 29.2.2008 absolute and request the High Court for disposal of the writ petition as expeditiously as possible.

The special leave petition shall stand disposed of in the above terms, along with pending applications, if any.

S.L.P.(C) No.20655 of 2012

Having heard the learned counsel for the petitioner and having considered the terms of the impugned order passed

by the High Court, we are of the view that this special leave petition has become infructuous.

Ordered accordingly.

S.L.P.(C) Nos.12801-12803 of 2012

Heard learned counsel for the petitioners and perused the relevant material.

We do not find any live issue for adjudication in the present special leave petitions. The special leave petitions are dismissed as having been rendered infructuous.

S.L.P. (C) No.17765 of 2014 & S.L.P.(C) No.17764 of 2014

Heard learned counsel for the petitioners and perused the relevant material.

Having perused the orders of the High Court, we find no infirmity in the same. The question as to whether the MBA course comes within the expression "technical education" under Section 2(g) of the All India Council for Technical Education Act, has been answered in the negative in Association of Management of Private Colleges vs. All India Council for Technical Education and Others (2013) 8 SCC 271. We, therefore, will have no ground to interfere with the orders impugned in the special leave petitions. The same are, accordingly, dismissed.

Pending application(s), if any, stand disposed of.

W.P.(C) No.759 of 2014

Learned counsel appearing for the petitioner states that the writ petition has been rendered infructuous.

In view of the above, the writ petition is dismissed.

S.L.P.(C) Nos.17765-17766 of 2012

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, stand disposed of.

(Chetan Kumar)
A.R.-cum-P.S.

(Anand Prakash)
Court Master

(Signed order is placed on the file)