

ITEM NO.3

COURT NO. 4

SECTION IVA

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

SPECIAL LEAVE PETITION (C) No(s). 15799 of 2017

(Arising out of impugned final judgment and order dated 16<sup>th</sup> May, 2017 in W.P.(C) No. 2793 of 2017 passed by the High Court of Madhya Pradesh, Bench at Gwalior)

OM SAI PUNYA EDUCATIONAL AND SOCIAL WELFARE SOCIETY

Petitioner(s)

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION AND ANR.

Respondent (s)

**[Fixed Date/SPC} FOR EXEMPTION FROM FILING O.T. ON IA 43146/2017 FOR PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS ON IA 46200/2017]**

Date : 22/06/2017 The Petition was called on hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
(VACATION BENCH)

For the Petitioner: Mr. Gaurav Aggarwal, Adv.  
Ms. Garima Bajaj, Adv.

For the Respondent: Mr. Harish Pandey, Adv.  
Mr. Anil Soni, Adv.

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

By two letters dated 30.04.2017, the first respondent rejected the applications submitted by the petitioners for setting up an Institute of Management and an Institute of Business Studies. The ground on which

the rejection took place was primarily that when the EVC team proceeded to inspect the institutions, it was not allowed to do so.

When this petition came up before the court on 19.06.2017, a submission was made on behalf of the petitioners that having regard to the ground which weighed with the first respondent, the petitioners are ready and willing to submit themselves to a fresh inspection by an EVC team to be constituted by the first respondent. The hearing was adjourned to enable counsel for the first respondent to take instructions.

During the course of the hearing learned counsel appearing on behalf of the first respondent states, on instructions, that an EVC Team shall be constituted expeditiously and a fresh inspection shall be carried out within a period of two weeks from today. This, it has been submitted, is subject to two conditions; firstly, that the petitioners shall pay the usual charges and expenses for the inspection; and secondly, that one EVC team shall inspect both the Institutions. Both these conditions are acceptable to the petitioners.

We accordingly take on record the statement which has been made on behalf of the first respondent and direct that in consequence the earlier rejection of the proposal submitted by the petitioners shall not come in the way of the EVC team while carrying out a fresh inspection, as agreed. Thereupon, the first respondent

shall take a fresh decision in accordance with law expeditiously uninfluenced by the earlier order of rejection. If the petitioners are aggrieved by the fresh decision, they will be at liberty to pursue the remedies available in law.

The special leave petition is accordingly disposed of.

Pending applications, if any, shall stand disposed of.

(NEELAM GULATI)  
COURT MASTER

(SHARDA KAPOOR)  
ASSISTANT REGISTRAR