

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

Writ Petition(s)(Civil) No(s).741/2019

APEEJAY INSTITUTE OF TECHNOLOGY SCHOOL OF  
ARCHITECTURE AND PLANNING & ANR.

Petitioner(s)

VERSUS

DR. A.P.J. ABDUL KALAM TECHNICAL UNIVERSITY & ORS. Respondent(s)

IA No. 87669/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 87671/2019 - EXEMPTION FROM FILING O.T.)

Date : 26-06-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE B.R. GAVAI  
(VACATION BENCH)

For Petitioner(s)

Mr. H.L. Tiku, Sr. Adv.  
Ms. Yashmeet Kaur, Adv.  
Ms. Arti Singh, AOR

For Respondent(s)

R-1

Mr. Amitesh Kumar, Adv.  
Ms. B. Mohanty, Adv.  
Ms. Priti Kumari, Adv.  
Mr. Mrityunjay Kr. Sinha, Adv.

R-3

Mr. Anil Soni, Adv.  
Mr. Harish Pandey, Adv.

R-4

Mr. Naveen R. Nath, AOR  
Lalit M. Bhat, Adv.

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

Learned counsel appearing for the first and third respondents waive their right to file reply. Short counter affidavit/reply has been filed by Council of Architecture.

Writ petitioner has primarily prayed for extension of time and

for increase in the total number of seats from 80 to 120 in the petitioner/institute for the academic session 2019-20.

All India Council for Technical Education (AICTE) vide its letter dated 10.04.2019 had granted approval for intake of 120 students in the petitioner/institute subject to satisfaction and compliance of deficiencies mentioned in the letter of the Regional Office within a period of six months. The Council of Architecture had granted approval for intake of 120 students vide its letter dated 19.05.2019, which letter was issued after the cut off date, i.e. 15.05.2019, fixed by this Court vide judgment in C.A. No.9048/2012-Parshavanath Charitable Trust and others vs. All India Council for Technical Education and others.

It is accepted and admitted case that there was delay on the part of the Council of Architecture for reasons which has been set out and explained in the short reply affidavit filed by the Council. The petitioner, it has been highlighted that, were not responsible for the delay in issue of the approval by the Council.

Normally, in such circumstances, we would have allowed the prayer, but counsel for the first respondent/University has pointed out that the University has to carry out the inspection before the approval for enhanced intake of 40 students can be granted. He has highlighted that AICTE in their approval letter dated 10.04.2019, has referred to deficiencies, that had to be rectified. This process, on the part of the University, it is stated, would take about three weeks.

Keeping in view the aforesaid position, we could not accept the prayer for enhancement of intake of 40 seats in the present

year as it would create serious complications and difficulties in the admission process, which has already commenced with the first leg of counseling. Resultantly, we are not inclined to grant any relief to the petitioner, the intake of 120 students in the present academic year. Intake of 80 students in the present academic year will be carried out in terms of the existing permission/approval. The University would examine and consider enhanced intake as per approvals of AICTE and Council of Architecture for the next academic session.

The petition is accordingly disposed of.

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

(ARJUN BISHT)  
COURT MASTER (SH)

(ANITA RANI AHUJA)  
COURT MASTER (NSH)