

ITEM NO.106

COURT NO.4

SECTION XI-A

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

Petition(s) for Special Leave to Appeal (C) No(s). 10543/2017

(Arising out of impugned final judgment and order dated 19-09-2016 in WPC No. 8128/2015 passed by the High Court Of Orissa At Cuttack)

ORISSA PVT. ENGINEERING COLLEGE ASSOCIATION (OPECA)Petitioner(s)

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION . &amp; ORS. Respondent(s)

Date : 21-08-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MR. JUSTICE B.R. GAVAIFor Petitioner(s) Mr. Shubhranshu Padhi, AOR  
Mr. Ashish Yadav, Adv.For Respondent(s) Mr. Tushar Mehta, Solicitor General  
Mr. Harish Pandey, AOR  
Mr. Divesh Dubey, Adv.

Mr. Kedar Nath Tripathy, AOR

Mr. Milind Kumar, AOR

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

The following relief has been prayed for in the writ petition, being W.P.(C) No. 8128 of 2015 filed before the High Court of Orissa :-

- “(i) Admit this writ petition,*
- (ii) Call for the Records.*
- (iii) Issue Rule ‘NISI’ calling upon the O.Ps, to show as to why the approval of the ‘AICTE’ shall be accorded to the institutions run and owned by the State Government and its Universities in dispensing with the essential*

*conditions prescribed by the 'AICTE' (O.P.No.1) in its Advertisement under Annexure-2 to this writ petition as well as to why approval be granted to such institutions not in accordance with the requirements prescribed by the 'Approval Process Hand Book' of 'AICTE'. If the said O.Ps fail to show or show no cause or show insufficient cause, the said Rule may be made absolute.*

*And, also be pleased to direct the AICTE (O.P.No.1) not to accord approval in respect of the increase intakes of the institutions run and owned by the State Government and its Universities, unless they fulfill all the requirements prescribed by the 'AICTE' and applied within the time stipulation of the AICTE.*

*Further, be pleased to issue any writ/s and pass appropriate directions to the O.Ps. ensuring that no institutions shall be allowed to increase its intake and open/add new courses and programmes and admit students against the same without valid approval of the AICTE for the session 2015-2016 as well as in the ensuing academic sessions.*

*....."*

Considering the nature of relief prayed for in the writ petition before the High Court, we find that such a vague and general relief of negative kind could not have been prayed for. We find no ground to interfere with the impugned Judgment and order passed by the High Court. The Special Leave Petition is, accordingly, dismissed.

The question of law in the Judgment dated 25.04.2013 passed in "*Association of Management of Private Colleges Vs. All India Council for Technical Education and Ors.*", reported in (2013) 8 SCC 271 is kept open, as it may not be decided in this case as that question does not arise in this petition.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(JAGDISH CHANDER)  
BRANCH OFFICER