

ITEM NO.28

COURT NO.2

SECTION XIA

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). 7205/2017

(Arising out of impugned final judgment and order dated 20/01/2017 in WP No. 40711/2016 passed by the High Court of Kerala at Ernakulam)

ABHIJITH A.G. AND ORS

Petitioner(s)

VERSUS

STATE OF KERALA AND ORS

Respondent(s)

(with appln. (s) for permission to place addl. documents on record and interim relief and office report)

WITH

SLP(C) No. 7244/2017

(WITH Interim Relief and Office Report)

SLP(C) No. 7288/2017

(WITH APPLN. (S) FOR permission to place addl. documents on record and Interim Relief and Office Report)

SLP(C) No. 11283/2017

(WITH Interim Relief and Office Report)

Date : 02/05/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s)

Mr. Romy Chacko, AOR  
Mr. Varun Mudgal, Adv.

Mr. Subhim Singh, Adv.  
Ms. Vinkita Subramanian, T.R., Adv.  
Mr. Zulfiker Ali P. S, Adv.  
Mr. S.C. Zaidwa, Adv.

Mr. Anil Soni, Adv.

Mr. Jayesh K. Unnikrishnan, Adv.  
Mr. Aviral Kashyap, AOR

Mr. Vijay Pratap Singh, Adv.'  
Ms. Sasmita Tripathi, Adv.

For Respondent(s) Mr. P.V. Dinesh, Adv.  
Mr. Sindhu T.P., Adv.  
Mr. Bineesh K., Adv.  
Mr. Rajendra Beniwal, Adv.  
Mr. Arushi Singh, Adv.

Mr. C. K. Sasi, Adv.

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

Heard Mr. Romy Chacko, learned counsel for the petitioner, Mr. Anil Soni, learned counsel for the AICTE and Mr. P.V. Dinesh, learned counsel for the University.

It is submitted by Mr. Sony that the AICTE has issued a letter on 1.5.2017 granting one time relaxation to the institutions for the academic year 2016-2017. Paragraphs 6 and 7 of the said letter read as under :-

"6) However, the Council while deliberating the issue in its meeting (item no.51.03.12) held on 27.04.2017 has taken into consideration the fact the these students were not at fault. After taking a holistic view of the issue and the need for the continued education of the admitted students under the NRI category by the various involved institutes, the Council has taken a decision, as a special case and one time measure, to give consent to the slots offloaded, from withn the 'approved intake' to such 'NRI' category of students subject to the following provisions :

- a) The petitioner institute Valiakoonambaikulathamma College of Engg. & Tech., Kerala and the 17 Institutions in the State of Kerala, who have admitted students beyond the AICTE approved quota of 5% of NRI category upto 15% of seats may be allowed to regularize the admission already made under NRI quota as a onetime relaxation subject to the condition that each institution will immediately remit to AICTE the regular fee of Rs.3,00 lakhs plus late fee of Rs.1.00

Lakhs in respect of those institutions who have not applied for NRI quota to AICTE during 2016-17.

- b) A strict warning along with directions be issued to the Govt. of Kerala and all institutions imparting technical education in the state of Kerala to adhere to the AICTE norms of 5% quota henceforth i.e. from the AY 2017-18 onwards. A communication be issued in this regard.
- c) The provision of granting 5% quota for NRIs in the APH may be modified to permit admission of students beyond 5% quota in case vacancies remain within the sanctioned intake of an institution even after the last round of counseling by the centralized counseling. The above shall be applicable only to those institutions which have prior approval of AICTE for NRI seats.

7) It is expressly made clear that the above decision has been taken only keeping in view the need for enabling the affected students to complete their education and protect their future carrier interests and is no way to be considered that the action of inducting these students under the category of NRI without prior intimation or approval from AICTE has been approved as *fait accompli*."

In view of the aforesaid, the students for the said academic year reap the benefits in accordance with the benefits covered in paragraphs 6 and 7.

The special leave petitions are disposed of accordingly. There shall be no order as to costs.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master