

SUPREME COURT OF INDIA

Mahatma Education Society's Pillai's Institute of Information Technology,
Engineering, Media Studies & Research

Vs.

All India Council for Technical Education

(Anil R.Dave and Kurian Joseph JJ.)

16.02.2015

JUDGMENT

ANIL R. DAVE, J.

1. Rule.

2. Looking at the urgency in the matter, at the request of the learned counsel appearing for the parties, the petition has been finally heard.

3. The short question involved in this petition is with regard to grant of approval to educational institutions run by the petitioner society. The petitioner is a Trust registered under the provisions of the Bombay Public Trust Act, 1950 and is having four educational institutions, mainly imparting studies in the field of engineering to the students.

4. The issue involved is with regard to approval to the institutions for the academic year 2014-15. At the time of usual inspection, it was found that the petitioner was not having land as per the provisions of the All India Council for Technical Education (Grant of Approvals for the Technical Institutions) Regulations, 2012 (hereinafter referred to as "the Regulations"). According to Regulation 6 of the Regulations, the petitioner was supposed to have certain land with lawful possession and clear title in the name of the petitioner society. The relevant portion of the Regulation reads as under:-

"6. Requirement of land The promoter society/trust/company established under Section 25 of the Companies Act, 1956 of a new Technical Education Institution shall have the land as required and prescribed in its lawful

possession with clear title in the name of promoter society/trust/company established under Section 25 of the Company Act, 1956 on or before the date of submission of application.

Provided that it shall be open for the promoter society/trust/company established under Section 25 of the Companies Act, 1956 proposed Institution to mortgage the land only after the receipt of letter of approval, only for raising the resources for the purpose of development of the Technical Education Institute situated on that land."

5. As it was found that the petitioner was not having land as per the requirements of the Regulation, the approval granted to the institutions managed by the petitioner for the last 15 years had been denied for the academic year 2014-15.

6. It is not in dispute that approximately 550 students are prosecuting studies in the Engineering College at present and because of non-approval to the institutions run by the petitioner, academic career of the students would be ruined.

7. As the approval had not been granted, the petitioner had filed Writ Petition No.6021 of 2014 in the High Court of Judicature at Bombay and by an interim order, the High Court was pleased to grant limited interim relief, whereby the petitioner was permitted to give admission to students.

8. Ultimately, by an order dated 27th August, 2014, the High Court disposed of the petition with an observation that it was open to respondent no.1 Council to take appropriate action in the matter of approval to the institutions run by the petitioner. The Council had expressed its inability to grant approval to the institutions run by the petitioner for the academic year 2014-15 as the aforesaid provision of the Regulation had not been complied with.

9. We have heard the learned counsel for the parties. It is not in dispute that the petitioner society has been imparting education to students through its colleges for the last 15 years. If approval is not granted, the students, who have already been admitted by an interim order of the High Court for the academic year 2014-15, would be put to great inconvenience and difficulties for no fault on their part. In the circumstances, as an exceptional case, without going into the merits of this case, we exercise our power under Article 142 of the Constitution of India and direct respondent no.1 to grant a letter of approval to the concerned colleges managed by the petitioner for the academic year 2014-15. For the subsequent

academic year, we are sure that the petitioner shall do the needful to comply with the requirements of the aforestated Regulation and other Regulations.

10. As and when an application for approval for academic year 2015-2016 is sought for by the petitioner, the respondent authorities shall consider the application and shall decide in accordance with law.

11. For the aforestated reason, as an exceptional case, the petition is allowed. The impugned letter dated 29th October, 2014 is quashed with a liberty to the respondent authorities to take appropriate action in respect of academic year 2015-16 in accordance with law. Rule is made absolute and a direction is given to respondent no.1 to grant approval in respect of Pillai's Institute of Information Technology, Engineering, Media Studies and Research, New Panvel, Navi Mumbai, for the academic year 2014-15. There shall, however, be no order as to costs.