

# SUPREME COURT OF INDIA

Government Mohindra Institute of Information Technology & Anr.

Vs.

All India Council for Technical Education & Ors.

W.P.(Civil)No.404 of 2015

(Anil R.Dave and Kurian Joseph,JJ.,)

10.08.2015

## JUDGMENT

**Anil R. Dave,J.,**

1. The Petitioner is a Government college run by Higher Education Institute of Society which was established in the year 1875 and for the last 140 years it is imparting education to the students of the State of Punjab.

2. The Petitioner-College wanted to set up a new technical institute for running MCA Course from the academic year 2015-16 and therefore, had submitted an application to Respondent No.1. The said application had been considered by Respondent No.1 and after certain instructions and doing necessary formalities; the said application had been rejected on 7th April, 2015.

3. Being aggrieved by the order of rejection dated 7th April, 2015, the Petitioner-College had filed an appeal against the said order before the Standing Appellate Committee of Respondent No.1. The Standing Appellate Committee had heard a representative of the Petitioner- College on 14th April, 2015 and at that time, the Petitioner-College had also been informed about some deficiencies which have been found at the time of physical inspection of the Petitioner-College. After affording a hearing to the Petitioner-College, a letter dated 24th April, 2015 had been addressed to the Standing Appellate Committee pointing out the deficiencies to be removed by the Petitioner-College. It is an admitted fact that letter dated 24th April, 2015, whereby the Standing Appellate Committee had been informed about the removal of deficiencies, had not been brought to the notice of the Standing Appellate Committee when it had convened its meeting on 27th April, 2015 and ultimately, on 30th April, 2015 a final order rejecting application for initiation of a new course had been passed by the Standing Appellate Committee.

4. The above referred facts have not been disputed by the learned counsel appearing for Respondent No.1, whose function is to grant necessary permission for starting a new MCA course.

5. The learned counsel appearing for the Petitioner-College has mainly submitted that had the Standing Appellate Court considered the contents of the letter dated 24th April, 2015, possibly the application submitted for starting a new course would not have been rejected.

6. We have considered the facts of the case in the light of the fact that the Petitioner-College is a Government College which had been established in the State of Punjab and has been imparting education for the last 140 years. The said institute is the oldest institute in the State of Punjab having a very good reputation and it is not disputed that all deficiencies, which had been pointed out to the Petitioner-College, had been substantially removed and in our opinion, for a negligible defect, which the learned counsel appearing for Respondent No.1 has pointed out to us, there was no reason for rejecting the application submitted by the Petitioner-College.

7. In our opinion, by not placing the letter of the Petitioner-College dated 24th April, 2015 before the Standing Appellate Committee which had convened its meeting on 27th April, 2015, the principles of natural justice had been violated and therefore, the final order dated 30th April, 2015 passed by the Standing Appellate Committee of Respondent No.1 deserves to be quashed and set aside.

8. In view of the fact that the deficiencies have been removed, we direct Respondent No.1 to reconsider the case of the Petitioner-College as soon as possible, especially, in view of the fact that 15th August, 2015 is the last date for admitting the students to the course which the Petitioner-College is going to initiate.

9. The final decision which might be taken by Respondent No.1 shall be communicated to the Petitioner-College immediately and if the final decision is taken in favour of the Petitioner-College, the Petitioner shall be permitted to give admission to 60 students to MCA course which it proposes to commence and Respondent No.3-University is also directed to do the needful to grant the necessary permission to the Petitioner-College with regard to initiation of new course.

10. For the afore-stated reasons, looking at the peculiar facts of the case, we allow this petition and grant the relief, as prayed for, in the writ petition to the effect that the letters of rejection dated 7th April, 2015 and 30th April, 2015 issued by Respondent No.1, are quashed and set aside so that needful can be done for grant of approval to the Petitioner-College for setting up a new technical institute to run MCA course with an intake of 60 students for academic session 2015-16. Upon necessary permission being granted, Respondent No.3-University is directed to consider grant of affiliation to the Petitioner-College in respect of MCA course, which it proposes to initiate from academic year 2015-16.