

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 (Civil) No. 538/2014

JAYAMATHA ENGINEERING COLLEGE

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS

Respondents (s)

(With appln. (s) for directions and Office Report)

WITH

W.P. (C) No. 552/2014

(With appln. (s) for directions and Office Report)

W.P. (C) No. 553/2014

(With appln. (s) for directions and Office Report)

W.P. (C) No. 554/2014

(With appln. (s) for directions and Office Report)

W.P. (C) No. 555/2014

(With appln. (s) for directions and Office Report)

W.P. (C) No. 556/2014

(With appln. (s) for directions and Office Report)

W.P. (C) No. 557/2014

(With appln. (s) for directions and Office Report)

W.P. (C) No. 558/2014

(With appln. (s) for directions and Office Report)

W.P. (C) No. 559/2014

(With appln. (s) for directions and Office Report)

W.P. (C) No. 560/2014

(With appln. (s) for directions and Office Report)

I.A. NO.6 IN SLP(C) NO.7277 OF 2014

(For extension of time and office report)

Date : 26/06/2014 These cases were called on for hearing today.

CORAM :

Signature Invalid
Digitally signed by
Vinod
Date: 2014.06.26
16:14:18 IST
Reason:

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

[VACATION BENCH]

...2/-

Chairman

J.P.L
26-6-14
Dir (L)
Adv (APP)

For Parties (s)

Mr. Kailash Vasudev, Sr. Adv.
Mr. T. Harish Kumar, Adv.
Mr. Kandhan Duraisami, Adv.
Mr. Umrao Singh Rawat, Adv.

Mr. L. Nageswara Rao, ASG
Mr. Amitesh Kumar, Adv.
Ms. Preeti Kumari, Adv.
Mr. M.K. Sinaha, Adv.

Mr. Amol Chitale, Adv.
Mr. Sriram Parakkat, Adv.
Mr. Vijay Kumar, Adv.

Mr. Subramonium Prasad, AAG
Mr. M. Yogesh Kanna, Adv.

I.A. No. 6

Mr. Sanjiv Das, Adv.
Mr. Parmanand Gaur, Adv.

Ms. Kirti Renu Mishra, Adv.
Mr. Apurva Upmanyu, Adv.

Mr. Bijan Kumar Ghosh, Adv.

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

I.A. NO.6 in Special Leave Petition (Civil) No.7277 of
2014 as well as the Writ Petitions are allowed in terms of the
signed order.

(VINOD LAKHINA)
COURT MASTER

(INDU POKHRIYAL)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

N.B. This order shall be out today

SUPREME COURT OF INDIA

CIVIL ORIGINAL/APELLATE JURISDICTION

WRIT PETITION (CIVIL) NO.538 OF 2014

JAYAMATHA ENGINEERING COLLEGE

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

WITH

WRIT PETITION (CIVIL) NO.552 OF 2014
[SSM COLLEGE OF ENGINEERING VS. AICTE AND ORS.]

WRIT PETITION (CIVIL) NO.553 OF 2014
[ER PERUMAL MANIMEKALAI COLLEGE OF ENGINEERING VS. AICTE AND ORS.]

WRIT PETITION (CIVIL) NO.554 OF 2014
[MAHARAJA ENGINEERING COLLEGE FOR WOMEN VS. AICTE AND ORS.]

WRIT PETITION (CIVIL) NO.555 OF 2014
[AISHWARYA COLLEGE OF ENGINEERING AND TECHNOLOGY VS. AICTE AND
ORS.]

WRIT PETITION (CIVIL) NO.556 OF 2014
[EXCEL COLLEGE OF TECHNOLOGY VS. AICTE AND ORS.]

WRIT PETITION (CIVIL) NO.557 OF 2014
[M KUMARASAMY COLLEGE OF ENGINEERING VS. AICTE AND ORS.]

WRIT PETITION (CIVIL) NO.558 OF 2014
[IMMANUAL ARASAR JJ COLLEGE OF ENGINEERING VS. AICTE AND ORS.]

WRIT PETITION (CIVIL) NO.559 OF 2014
[SUN COLLEGE OF ENGINEERING AND TECHNOLOGY VS. AICTE AND ORS.]

WRIT PETITION (CIVIL) NO.560 OF 2014
[ODAIYAPPA COLLEGE OF ENGINEERING VS. AICTE AND ORS.]

I.A. NO.6 IN SLP(C) NO. 7277 OF 2014
[ORISSA TECHNICAL COLLEGES ASSOCIATION VS. AICTE AND ANR.]

...2/-

O R D E R

This I.A. NO.6 in Special Leave Petition (Civil) No.7277 of 2014 has been filed on behalf of All India Council for Technical Education (for short "AICTE") seeking extension in the Schedule laid down by this Court in Parshvanath Charitable Trust and others vs. All India Council for Technical Education and others [(2013) 3 SCC 385] as follows:

"41. The appropriate Schedule, thus, would be as follows:

Event	Schedule
Conduct of Entrance Examination (AIEEE/State CET/ Mgt. quota exams, etc.)	In the month of May
Declaration of Result of Qualifying Examination (12 th Exam or similar) and Entrance Examination	On or before 5 th June
1 st round of counselling/ admission for allotment of seats	To be completed on or before 30 th June
2 nd round counselling for allotment of seats	To be completed on or before 10 th July
Last round of counselling for allotment of seats	To be completed on or before 20 th July

Last date for admitting candidates in seats other than allotted above	30 th July. However, any number of rounds for counselling could be conducted depending on local requirement, but all the rounds shall be completed before 30 th July
Commencement of academic session	1 st August
Last date upto which students can be admitted against vacancies arising due to any reason (no student should be admitted in any institution after the last date under any quota)	15 th August
Last date of granting or refusing approval by AICTE	10 th April
Last date of granting or refusing approval by University / State Govt.	15 th May

42. The admission to academic courses should start, as proposed, by 1st August of the relevant year. The seats remaining vacant should again be duly notified and advertised. All seats should be filled positively by 15th August after which there shall be no admission, whatever be the reason or ground."

In the application, the AICTE has averred that it has received 7280 applications from existing technical institutions in the country, of which 6751 applications have been processed already and the remaining 529 applications are pending consideration as on 4th June, 2014. Since the exercise was of this magnitude, all applications could not be processed so as to comprehensively respond to the directions of this Court, reproduced above. Mr. L. Nageswara Rao, learned Additional Solicitor General, states that if time is extended by one week, all the remaining applications shall also be processed by AICTE. The prayer in the Writ Petitions is substantially the same since the stand of the AICTE is that although, after due consideration, EOA for Academic Year 2014-2015 is recommended, because of the deadline given by this Court, the approval cannot be granted.

There can be no gainsaying that every eligible student/candidate desirous of participating in further education, especially where resources and institutions are available, should be accommodated so long as academic standards are not undermined. We are satisfied that if the respondent - AICTE is granted seven more days within which to decide all pending applications, these overriding interests shall be addressed. It is in these circumstances that we modify previous orders in the following manner:

:5:

The AICTE is granted seven days within which to take a decision on all the applications pending before it. It shall first take up the applications in which it has already expressed willingness to grant approvals, but have not done so in deference of the Orders of this Court. Thereafter, the concerned Universities/State Authorities/Bodies which have the powers of granting affiliation shall take a decision on that subject within one week. It is for these reasons that the first round of counselling/admission for allotment of seats which was to be completed by 30th June, 2014 will now be completed by 15th July, 2014. The second round of counselling shall be completed by 22nd July, 2014 and the last round by 29th July, 2014. In this manner, the date of commencement of the Academic Session, as laid down by this Court above, shall not be disturbed.

It is made clear that all the Colleges who have been cleared for intake of students for the Academic Year 2014-2015, as envisaged in the process above, shall be cleared and considered for admitting students for the current Academic Year. Learned Senior Counsel appearing for the petitioners in some of the Writ Petitions apprehends that the respondents may adhere to Annexure P-7. We think that that would not be appropriate in view of the orders contained herein.

...6/-

:6:

I.A. NO.6 in Special Leave Petition (Civil) No.7277 of
2014 as well as the Writ Petitions are allowed in the above terms.

.....,J.
[VIKRAMAJIT SEN]

.....,J.
[SHIVA KIRTI SINGH]

NEW DELHI
JUNE 26, 2014