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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4059/2019

YASHPAL SINH JADEJA AND ORS. Petitioners

Through: Mr. Uday Bedi with Mr. Jaitegan
Singh, Advocates for petitioner no. 1
& 2.

versus

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION (AICTE)
AND ANR. Respondents

Through: Mr. Devesh Dubey, proxy counsel
for Mr. Anil Soni, Advocate for
respondent no. 1.
Mr. Prakash Kumar, Advocate for
respondent no. 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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23.09.2019

CM APPL. 41620/2019

1. The following directions are sought in the captioned application: -

“a) Direct the Respondent No. 1 i.e. AICTE to urgently (within one week) remove condition/circular/advertisement from AICTE public notices section on their web site and more particularly on <http://www.aicte-india.org/content/public-notice-professionalbodiesinstitutes>-imparting technical-education which is stayed by Hon'ble court vide orders dated 01.05.2019 in 4059 of 2019 and 31.05.2013 passed in W.P. (C) 3790 of 2013;

b) Direct the Respondents to make necessary changes in public notice as per stay order and to keep modified public notice until final decision of this Hon'ble Court;

c) Direct the Respondents to urgently inform GATE authority or any other authorities about stay order granted by this Hon'ble Court and to allow the students who enrolled AMIE course after 31/05/2013 under the protection of stay order passed by this Hon'ble court, since the cut-off date for GATE 2020 exam is 24th September;”

2. Mr. Devesh Dubey and Mr. Prakash Kumar, who, appear for the non-applicants/respondents say that no relief can be given in view of the judgment of the Supreme Court rendered in ***Institution of Mechanical Engineers (India) through its Chairman Vs. State of Punjab and Others***, 2019 SCC Online SC 1023.

2.1 In particular, the learned counsel relies upon the observations made in paragraph 51 of the aforementioned judgment.

3. On the other hand, counsel for the petitioner in support of his case placed reliance on the judgment rendered by Punjab and Haryana High Court in ***Kartar Singh Vs Union of India & Ors.***, 2012 SCC Online P& H 21066.

4. Furthermore, counsel for the petitioners contends that petitioners are members of the Institute of Engineers and that the observations made in paragraph 51 do not apply to the said institute.

4.1 For this purpose, learned counsel relies upon the observations made in paragraph 50 of the very same judgment.

5. I am informed that connected matters are coming up for hearing before this Court on 26.09.2019.

6. Counsel for the petitioner has also drawn my attention to the interim order dated 31.05.2013 passed by this Court in a connected writ petition i.e. W.P. (C) 3790/2013. Via this interim order a direction has been passed *vis-à-vis* OM dated 6.12.2012 with respect to deadline contained regarding enrolment. The deadline pivoted in the OM dated 06.12.2012 is 31.05.2013.

7. It is common ground that the entire issue on which this matter will turn is as to whether or not Institute of Engineers from where the petitioners acquired their qualification is a technical institute or not.

8. Presently, the petitioner's counsel says what hurts the petitioner is the obdurate approach adopted by the respondent no. 1 i.e. AICTE in not agreeing to remove the public notice from its website which has disabled the petitioners from applying for GATE 2020.

8.1 In this behalf, reference is made to the following endorsement made in Annexure -B3 which is part of the brochure issued by the IIT Delhi concerning GATE 2020.

“The candidates who possess certification from any of the professional societies (IE, ICE, IETE, AeSI, IICChemE, IIM, IIE) and have enrolled on or before May 31, 2013 are also eligible to participate in GATE 2020. The candidates who have enrolled with these institutions after May 31, 2013 are not eligible, vide public notice (Advt No. P&AP/10(04)/2017). The advertisement can be found at <http://www.aicte-India.org/content/public-notice-professional-bodiesinstitutes-impartingtechnical.education>”

9. Given these circumstances, purely as a protem measure, as the matter requires further hearing and it is already 6:00 pm, IIT Delhi, for the moment, will accept the applications of the petitioners' subject to further orders of this Court.

10. The respondents will file their reply to the captioned application before the next date of hearing.

11. Renotify the captioned application on 26.09.2019.

12. *Dasti* under the signatures of Court Master.

RAJIV SHAKDHER, J

SEPTEMBER 23, 2019

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