

ITEM NO.3

COURT NO.3

SECTION X

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
W R I T P E T I T I O N (C I V I L) N O (s) . 8 9 O F 2 0 1 1

JAIPURIA INST.OF MGT.& ORS.

Petitioner(s)

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDU.ORS

Respondent(s)

(With appln(s) for interim Relief
WITH W.P(C) NO. 90 of 2011
(With appln.(s) for stay and office report)
W.P(C) NO. 92 of 2011
(With appln.(s) for stay and office report)

Date: 17/03/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)
(In WP(C)89/2011)

Mr. Sunil Gupta, Sr. Adv.
Mr. Vinay Garg, Adv.
Mrs. Deepam Garg, Adv.
Ms. Jyoti Sharma, Adv.

(In WP(C)90/2011)

Mr. K.K. Venugopal, Sr. Adv.
Mr. C.V. Francis, Adv.
Mr. Gopal Sankaran, Adv.
Mr. Ramesh Babu M.R., Adv.

(In WP(C)92/2011)

Dr. Rajiv Dhawan, Sr. Adv.
Mr. Naresh Kaushik, Adv.
Ms. Aditi Gupta, Adv.
Mrs Lalita Kaushik, Adv.

For Respondent (s)
(For AICTE)

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Raju Rama Chandran, Sr. Adv.
Mr. Amitesh Kumar, Adv.
Mr. Navin Prakash, Adv.

(For UOI)

Mr. R.K. Rathore, Adv.
Ms. Rashmi Malhotra, Adv.
Mr. D.S. Mahra, Adv.
Mr. H.S. Sachdeva, Adv.

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

The first respondent - AICTE is permitted to file its preliminary counter in the court today. The preliminary counter filed by AICTE is taken on record.

In our order dated 15.3.2011, we had listed the four issues on which interim directions were sought with reference to Institutions offering Post Graduate Diploma in Management (PGDM), with reference to AICTE Approval Process Handbook (2011-2012). Having heard learned counsel for the petitioners and learned counsel for the AICTE in regard to the interim prayers, we issue the following interim directions:

(1) Re: Admissions for the year 2011-2012:

The PGDM Institutions are at liberty to draw students, who have participated in the five National level entrance tests - (CAT, MAT, XAT, ATMA, JMET) or State level entrance examinations, if any, conducted by the States. Each college shall submit a declaration to AICTE and the State Government disclosing the sources from which they will be drawing the students and the percentages, if any, earmarked for such source.

(2) Re: Fee fixation for the year 2011-2012:

The PGDM Institutions will be entitled to charge the fees that is determined by them, subject to the fee structure being notified to AICTE and the State Governments in advance. Subject to the final decision in this case, the State Government will be at liberty to send the fee structures of the respective institutions to the fee fixation committee that may be appointed in terms of the guidelines in the Handbook for its decision/opinion.

(3) Composition of Board of Governors:

The provisions of Appendix XIX of the AICTE Approval Process Hand Book (2011-2012) requiring the Board of Governors to include five nominees of the AICTE and State Government are stayed. However, the Board of Governors of each PGDM Institute shall have two invitees- one nominated by the AICTE and the other nominated by the State Government.

(4) Part-time Courses:

The statement by learned senior counsel appearing for AICTE that the provision prohibiting part-time PGDM/MBA courses has been kept in abeyance, is recorded.

It is made clear that the above interim order shall not be construed as permitting any institution which does not have AICTE approval, or affiliation from the affiliating Authority to conduct any PGDM Course or admit any student to such course. The above interim order only deals with the guidelines in the 2011-2012 Handbook of AICTE. The instruction in the Handbook have to be followed subject to directions in regard to the above four issues.

This interim order is restricted for the year 2011-12 having regard to the fact that the All India Examinations have already been held and students have appeared in those examinations.

AICTE is permitted to file a detailed counter affidavit within four weeks. Rejoinder affidavit be filed within four weeks after the filing of the counter. List thereafter.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master