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No. AICTE/AB/NR/HCST-UP/1-9291946/2019-20



सत्यमेव जयते

अखिल भारतीय तकनीकी शिक्षा परिषद्

(भारत सरकार का एक सांविधिक निकाय)

(मानव संसाधन विकास मंत्रालय, भारत सरकार)

नेल्सन मंडेला मार्ग, वसंत कुंज, नई दिल्ली-110070

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

(A Statutory Body of the Govt. of India)

(Ministry of Human Resource Development, Govt. of India)

Nelson Mandela Marg, Vasant Kunj, New Delhi-110070

Date : 28/06/2019

To,

The Registrar,
Dr.A.P.J Abdul Kalam Technical University,
Sector 11, Jankipuram Vistar,
Lucknow, Uttar Pradesh 226031

Subject: - Compliance of Hon'ble High Court, Allahabad order through Special appeal No.729 of 2019 in respect of Hindustan College of Science & Technology, Mathura, Uttar Pradesh.

Sir/Madam,

The Hindustan College of Science & Technology has submitted an Interim order passed by Hon'ble Double Bench High Court Allahabad in the above said Special appeal with a request to AICTE to grant extension of approval and to issue an advisory letter to Vice Chancellor, Dr.A.P.J Abdul Kalam Technical University, Lucknow to include name of the institution in the centralized counselling for admission of the students in the current academic year. A copy of the order passed by the Hon'ble High Court of Allahabad is enclosed for ready reference.

The extension of approval given to the Institution during A.Y 2018-19 is enclosed herewith for your information and necessary action if any.

Encl : As above

P. O.
28/6/2019
P.O (Approval Bureau)

Copy to:

- The Regional Officer**
AICTE Northern Regional Officer
Govt. Polytechnic Campus, Adjoining DTE,
Vikas Nagar, Kanpur, Uttar Pradesh-208002

Court No. - 37

Case :- SPECIAL APPEAL No. - 729 of 2019

Appellant :- Hindustan College Of Science And Technology

Respondent :- All India Council For Technicl Education And Another

Counsel for Appellant :- Vibhu Rai, Kunal Ravi Singh

Counsel for Respondent :- Pranjal Mehrotra

Hon'ble Ram Surat Ram (Maurya), J.

Hon'ble Piyush Agrawal, J.

1. Heard Sri Anoop Trivedi learned Senior Advocate assisted by Sri Kunal Ravi Singh for the petitioner-appellant and Shri Pranjal Mehrotra appearing for All India Council for Technical Education(AICTE).

2. At this stage the prayer for interim relief in the special appeal is being pressed by the petitioner-appellant.

3. In the writ petition, the petitioner had challenged the order of AICTE dated 01.05.2019 by which the application for extension of approval of the courses run by Hindustan College of Science and Technology, Mathura(hereinafter referred to as "the Institution") has been rejected.

The relevant portion of the impugned order is reproduced below:

"1. Land documents in original are not presented and hence, not accepted.

2. Land shown available till 2015 is 29.415 acres in one piece as till that time these was no acceptability of land available in 2 pieces. But, the land available is actually in 2 pieces and land details are as per below:

(a) Piece of land on which buildings are constructed:

*Land document No:997 Dated 09/04/97 land = 3.59/- aces
Khassa No.355*

*Land document No:998 Dated 09/04/97 land = 3.59 aces
Khassa No.356*

*Land document No:1291 Dated 09/04/97 land =3.59 aces
Khassa No.357*

Total Land 80975 aces

(Apart from above land a lease deed is also presented (of 7.69 acres)

..... (lease deed was not acceptable)

each other.

3. In view of above points it can be said that the institute provided false or manipulated information with regards of land available with them.

4. The building plans are also not accepted since:

a1) The institute only presented the site plan approved by the Zila Panchayat and all others building plans approved by Gram Panchayat. Even the site plan approved by Gram Panchayat for the buildings approved by Gram Panchayat is not presented. The site plan and building plans are shown approved independently are not acceptable.

5. Occupancy certificate is not accepted, since the building plans are not approved by Zila Panchayat but, the occupancy has been provided by Zila Panchayat.

6. Although apart from infrastructure presented in the report there are many empty and unused rooms shown are available but, in the absence of approved building plans the available rooms and their respective areas are not accepted.

7. The Institute did not provide any resolution for the land allocation to the available Institute on the same patch of land (Engg & MBA/MCA).

Infrastructural deficiencies

1. Computer Center available is of 20173 sqm against the requirement of 300 sqm

2. 66 labs available against the requirement of 75 labs

a. The available faculty is 131 against the requirement of 182 out of 131 available also 08 faculty member are not accepted.

b. The instruments available in the labs are not sufficient.

Recommendation of SAC was as under:

“Heard the representatives of Hindustan College of Science and Technology and perused the papers produced. It is claimed that total 7.6963 acres land was allotted by the trust to the college. It is not disputed that these lands were leased out to the trust by Smt. Seema Gupta & Bhawna Gupta initially for a period of 33 yrs. and the said period was further extended to 2049. Those lease deeds were not registered. Hence, according to the provisions of transfer of property Act they are invalid deeds. Accordingly, neither the trust nor the college in question came into possession/occupation of the aforesaid land. In absence of valid deed

APIIB 2019-20 and in compliance with the judgment of the Hon'ble Supreme Court in the case of **MAA Vaishno Devi as reported in (2013) 2 SCC 617 at para 54 and Parshwanath case reported in (2013) 3 SCC 385 para 28** which explicitly states **“compliance with the conditions for approved as well as Regulations and provisions of the AICTE Act is an unexceptional condition”**, which aim to ensure for attaining and maintaining of competitive, recognized global standard in Technical Education. It is undeniably essential to ensure strict adherence to the prescribed parameters for imparting of such educational courses including the requisite infrastructure, which is ultimately aimed at protecting the vital interests of our students.

9. Therefore, after examining the entire matter in the facts and circumstances mentioned herein above, and in terms of the provisions of the Approval Process and Hand Book, 2019-20. Council has decided to place Hindustan College of Science & Technology NH2, Agra Delhi Highway, Farah, Mathura, Uttar Pradesh – 28122 under **“Withdrawal of Approval”** from the 2019-20.

10. It must be further noted that clause 6.9 of the Regulations 2018 prohibits grant of any conditional approval and clause 2.24 of Chapter II of the Approval Process Handbook 2019-20, read with clause 15 of Regulations 2018 mandate extension of approval for the academic year 2019-20 shall not be granted after 30th April 2019, in compliance with the order of the Hon'ble Supreme Court of India dated 13.12.2012 (Civil No. 9048/2012).

11. Liability if any on this count, shall be the sole responsibility of the applicant Society/Trust and shall be settled as per the rules and regulations, as applicable.

12. This has the approval of the competent authority.”

4. A perusal of the reason assigned in the impugned order shows that the building of the petitioner has been constructed over Khasra Nos. 355, 356 and 357. In paragraph 19 of the short counter affidavit, the land details owned by the petitioner-appellant has been mentioned on plot No.299 Kha, area 3.500 hectare, Khasra No.330 area 1.344 hectare, Khasra No.331 area 0.531 hectare and Khasra No.332 area 2.949 hectare. The reason for passing the impugned order as assigned in the order has been mentioned as lease deed were unregistered.

5. The argument of the counsel for the petitioner-appellant is that so far as the sale deed are concerned, these are registered documents and the original documents were mortgaged with the bank and before the Appellate

staff which is more than 300. The impugned order will cause grave irreparable loss to the students as well as the persons employed in the Institution.

7. Learned counsel for the respondents however, submits that although the sale deed were of the year 1995 but building has been constructed without any information to the All India Council for Technical Education. He further submits that Supreme Court in judgment of **Parshwanath Charitable Trust vs. All India Council for Technical Education, (2013) 3 SCC 385** has fixed a time schedule. Now, according to the time schedule, the approval has to be granted before 30th April of the year and after 30th April of the year no approval can be granted.

8. So far as the allegations in respect of construction of the building is concerned, no such reason in this respect has been mentioned in the impugned order. Even after 1996 the petitioner was granted approval regularly upto 2018-19. So far as the judgment of the Supreme Court is concerned, it is a direction to all concerned to adhere to the time schedule in respect of granting approval to the Institutions but there is no such direction that the illegalities cannot be cured by the higher court by passing the order.

9. In the fact of the case, the application for interim relief is allowed and operation of the orders dated 01.05.2019 and 10.05.2019 shall remain stayed.

10. The petitioner shall be permitted to continue with the counselling for admission of the students in the current academic year.

Dated 25.06.2019

mt

All India Council for Technical Education

(A Statutory body under Ministry of HRD, Govt. of India)

Nelson Mandela Marg, Vasant Kunj, New Delhi-110070 Website: www.aicte-india.org



APPROVAL PROCESS 2018-19

Extension of Approval (EOA)

F.No. Northern/1-3510999026/2018/EOA

Date: 10-Apr-2018

To,

The Principal Secretary (Tech. Edu.)
Govt. of Uttar Pradesh,
Sachiv Bhawan, Lucknow-226001,
12A, Navin Bhawan,
U.P. Lucknow-226001

Sub: Extension of Approval for the Academic Year 2018-19

Ref: Application of the Institution for Extension of approval for the Academic Year 2018-19

Sir/Madam,

In terms of the provisions under the All India Council for Technical Education (Grant of Approvals for Technical Institutions) Regulations 2016 notified by the Council vide notification number F.No.AB/AICTE/REG/2016 dated 30/11/2016 and amended on December 5, 2017 and norms standards, procedures and conditions prescribed by the Council from time to time, I am directed to convey the approval to

Permanent Id	1-9291946	Application Id	1-3510999026
Name of the Institute	HINDUSTASN COLLEGE OF SCIENCE & TECHNOLOGY	Name of the Society/Trust	SHARDA EDUCATIONAL TRUST
Institute Address	NH#2, AGRA DELHI HIGHWAY, FARAH, MATHURA, FARAH, MATHURA, Uttar Pradesh, 281122	Society/Trust Address	10, JAWAHAR NAGAR, KHANDARI, AGRA, AGRA, AGRA, Uttar Pradesh, 282002
Institute Type	Unaided - Private	Region	Northern

Opted for Change from Women to Co-Ed and vice versa	No	Change from Women to Co-Ed and vice versa Approved or Not	NA
Opted for Change of Name	No	Change of Name Approved or Not	NA
Opted for Change of Site	No	Change of Site Approved or Not	NA
Opted for Conversion from Degree to Diploma or vice versa	No	Conversion for Degree to Diploma or vice versa Approved or Not	NA
Opted for Organization Name Change	No	Change of Organization Name Approved or Not	NA

To conduct following Courses with the Intake indicated below for the Academic Year 2018-19

Program	Shift	Level	Course	FT/PT+	Affiliating Body (Univ/Body)	Intake Approved for 2018-19	NRI Approval Status	PIO / FN / Gulf quota/ OCI/ Approval Status	Foreign Collaboration /Twining Program Approval Status*
ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	BIOTECHNOLOGY	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	60	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	CIVIL ENGINEERING	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	90	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	ELECTRONICS & COMMUNICATION ENGG	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	90	NA	NA	NA

Application No: 1-3510999026

Note: This is a Computer generated Report. No signature is required.
Printed By : northhq

ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	ELECTRICAL AND ELECTRONICS ENGINEERING	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	90	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	ENVIRONMENTAL ENGINEERING	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	30	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	INFORMATION TECHNOLOGY	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	90	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	MECHANICAL ENGINEERING	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	120	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	POST GRADUATE	MECHANICAL ENGINEERING	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	18	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	POST GRADUATE	VLSI	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	18	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	POST GRADUATE	CONTROL SYSTEMS	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	18	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	AUTOMOBILE ENGINEERING	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	30	NA	NA	NA
MANAGEMENT	1st	POST GRADUATE	MASTERS IN BUSINESS ADMINISTRATION	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	60	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	COMPUTER SCIENCE & ENGINEERING	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	120	NA	NA	NA
ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	CHEMICAL ENGINEERING	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	90	NA	NA	NA
ENGINEERING AND TECHNOLOGY	2nd	UNDER GRADUATE	MECHANICAL ENGINEERING	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	60	NA	NA	NA

+FT –Full Time,PT-Part Time

Punitive Action against the Institute

Course(s) Applied for Closure by the Institute for the Academic Year 2018-19

Program	Shift	Level	Course	FT/PT+	Affiliating Body (Univ/Body)	Course Closure Status
ENGINEERING AND TECHNOLOGY	1st	UNDER GRADUATE	ELECTRONICS & INSTRUMENTATION ENGINEERING	FT	Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow	Pending [§]

+FT-Full Time,PT-Part Time

§ Due to non-submission of NOC's from University / Board and / or State Government

Deficiencies Noted based on Self Disclosure

Particulars	Deficiency
Other Details Deficiency	
List of faculty and data uploaded on the Institute web portal	Yes
Faculty Deficiency	
	Yes
Land Area Details	
Total Area of Land	Yes
Minimum per Piece of Area	Yes

*Please refer Deficiency Report for details

HINDUSTASN COLLEGE OF SCIENCE & TECHNOLOGY is hereby informed to submit the compliance of the deficiencies mentioned above to the Regional Office within a period of **6 months** from the date of issuance of this letter failing which the council shall initiate strict action as defined in Approval Process Handbook 2018-19 during the subsequent Academic Year.

Any differences in content in this Computer generated Extension of Approval Letter, the content/information as approved by the Executive

Council / General Council as available on the record of AICTE shall be final and binding.

Strict compliance of Anti-Ragging Regulation: - Approval is subject to strict compliance of provisions made in AICTE Regulation notified vide F. No. 37-3/Legal/AICTE/2009 dated July 1, 2009 for Prevention and Prohibition of Ragging in Technical Institutions. In case Institution fails to take adequate steps to Prevent Ragging or fails to act in accordance with AICTE Regulation or fails to punish perpetrators or incidents of Ragging, it will be liable to take any action as defined under clause 9(4) of the said Regulation.

Prof. A.P Mittal
Member Secretary, AICTE

Copy to:

1. The Regional Officer,
All India Council for Technical Education
Govt. Polytechnic Campus
Adjoining Directorate of Technical Education
Vikas Nagar, Kanpur-208 002, Uttar Pradesh
2. The Director Of Technical Education**,
Uttar Pradesh
3. The Registrar**,
Dr. A.P.J. Abdul Kalam Technical University, Uttar Pradesh, Lucknow
4. The Principal / Director,
HINDUSTASN COLLEGE OF SCIENCE & TECHNOLOGY
NH#2, AGRA DELHI HIGHWAY,
FARAH, MATHURA,
FARAH, MATHURA,
Uttar Pradesh, 281122
5. The Secretary / Chairman,
SHARDA EDUCATIONAL TRUST
10, JAWAHAR NAGAR, KHANDARI, AGRA,
AGRA, AGRA,
Uttar Pradesh, 282002
6. Guard File(AICTE)

Note: Validity of the Course details may be verified at <http://www.aicte-india.org/>

** Individual Approval letter copy will not be communicated through Post/Email. However, consolidated list of Approved Institutions(bulk) will be shared through official Email Address to the concerned Authorities mentioned above.