

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

Order passed by the High Court in the case of :

Manoj Balkrishna Lad

Aged : 20 years

Occupation : Student

Resident of : 116A, Somwar Peth,
Satara (M.S.), Pin Code 415 002

1. State of Maharashtra
Through
Secretary
Ministry of Higher and Technical Education
Mantralaya
Mumbai - 400 032

2. Director of Technical Education
3, Mahapalika Marg
Fort
Mumbai - 400 00
(Copies of Respondent Nos. 1 & 2 to be served
on Government Pleader, High Court, Bombay)

3. Vice Chancellor
University of Bombay
Kalina, Santacruz (East)
Mumbai

4. Vice Chancellor
University of Poona
Ganesh Khind
Pune

5. All India Council for Technical
Education

.....Petitioner

.....RESPONDENTS

Through
Regional Officer, Western Region
2nd Floor, Industrial Assurance Building
Veer Nariman Marg
Mumbai - 40020

6. Council of Architecture
1st Floor, Core 6-A
India Habitat Center
Lodhi Road
New Delhi-110003

Arising out of :

Respondent No.2 and Respondent Nos. 3 & 4 Universities not giving admission to the Petitioner to Second Year directly of Degree Course of Bachelor of Architecture in spite of he having passed the Diploma Course of Architecture Assistantship of three years.

Being Writ Petition No. 3798 of 2000, under Article 226 of Constitution of India, praying that :

- (a) to, grant rule and allow the Petition of Petitioner,
- (b) to, direct Respondent Nos. 2 to 4 to give admission to Petitioner in 2nd Year of Degree Course of Bachelor of Architecture in Colleges imparting education in concerned faculty within their territorial and academic jurisdiction during the pendency and final disposal of the present Writ Petition,
- (c) to, give ad-interim relief in terms of Prayer Clause (b) above,
- (d) to, direct Respondent Nos. 2 to 4 to give admission to Petitioner in 2nd Year of Degree Course of Bachelor of Architecture in Colleges imparting education in concerned faculty within their territorial and academic jurisdiction,
- (e) to, grant costs of this Writ Petition against the Respondent Nos. 1 to 4 and any other legal and equitable relief as deemed just and fit having regard to the facts involved in the case and circumstances attending the case.

Mr. P.B. Deo for petitioners

Mr. R.G. Ketkar for respondent No.1

Mr. S.K. Shinde AGP

Mr. Girish Kulkarni for respondent No. 4

Coram : A.P. Shah & V.C. Daga J.J

Date : 7-8-2000

P.C.

The short question which falls for consideration is whether the petitioners who have acquired diploma in Architecture Assistantship in first class from Maharashtra State Board of Technical Education are entitled for admission directly to 2nd year degree course of Bachelor of Architecture?

2. The petitioners claim that they are eligible for direct admission to the 2nd year degree course of Bachelor of Architecture. They are relying upon the rules relating to direct admission to 2nd year degree course in engineering and technology which are annexed at Exhibit 1 to the petition. The petitioners are also relying upon the letter dated 25-8-1989 issued by the Officiating Registrar of Council of Architecture. According to the petitioners in a similar case the division bench has granted interim relief in writ petition no. 4808 of 1998.

3. We have heard the learned counsel for the parties. We have also perused the affidavit filled by the Council of Architecture. At the outset it is required to be stated that the annexure I to the petition is not applicable to the case of discipline in question. A Bare perusal of annexure I makes it clear that the said eligibility criteria is applicable for direct admission to the second year degree courses in engineering and technology and not to Architecture. As far as the letter dated 25-8-1989 issued by the Officiating Registrar of the Council of Architecture is concerned it has been pointed out that when this letter was brought to the notice of the Council, the same was withdrawn vide letter dated 11.10.1999.

4. It is also seen from the guidelines dated 15.6.1992 issued by the AICTE on 11.7.1992 that provisions of lateral entry for degree course are excluded as far as Architecture, Pharmacy and Arts etc. are concerned. This is clearly seen from the para 9 (2) of the guidelines. Minimum standards of Architectural Education Regulation 1983 issued by the Central Government also do not provide for lateral entry either for degree or diploma course in Architecture. Further regulation 3 (1) of the Regulations 1983 stipulates that Architecture course shall be of minimum duration of 5 academic years or 10 semester of approximately 16 working weeks each inclusive of six months/one semester of approximately 16 working weeks of practical training after the first stage in a professional office. Therefore even if the students got admission to the 2nd year degree course he is not entitled to register as Architecture under section 25 of the Architectures Act 1972. Thus we have no hesitation in holding that the petitioners are not entitled to direct admission to the 2nd year degree course of Bachelor of Architecture.

5. During the course of arguments a contention was raised by the learned counsel for the petitioners that the petitioners took admission to the diploma course in view of the letter dated 25.8.1989 from the Officiating Registrar of Council of Architecture and they were under the bonafide belief that they would be entitled to direct admission to the 2nd year degree course otherwise they would not have taken admission to the diploma course. Thus the petitioners had legitimate expectation that they would be give admission in 2nd year course and therefore it is not permissible for the respondents to deny admission to the petitioners. This plea is not even raised by the petitioners in the petition. In any event letter written by the Officiating Registrar cannot confer any such right on the petitioners. The petitioners cannot be admitted in the 2nd year degree course in violation of the rules and regulations.

Petition is dismissed.

Sd/-
Shri S.R. Achrekar
13/10/2000
For Additional Registrar

True Copy

Sd/-
Assistant Registrar
14-11-2000

SEAL