

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF MARCH, 2015

PRESENT

THE HON'BLE MR.JUSTICE K.L.MANJUNATH

AND

THE HON'BLE MR.JUSTICE RAGHVENDRA S. CHAUHAN

W.A.NO.110/2013
C/W W.A.NO.112/2013

IN W.A.NO.110/2013

BETWEEN

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
(A STATUTORY BODY UNDER MINISTRY OF HRD,
GOVERNMENT OF INDIA)
7TH FLOOR, CHANDRALOK BUILDING
JANPATH
NEW DELHI-110001
HAVING REGIONAL OFFICE AT
PALACE ROAD
BANGALORE-560009
REP. BY REGIONAL DIRECTOR

... APPELLANT

(BY SMT SONA M. BADIGER, ADV.)

AND

1. BMS EDUCATIONAL TRUST
BULL TEMPLE ROAD
BANGALORE-560 019
REPRESENTED BY ITS DONOR TRUSTEE
SMT. RAGINI NARAYAN



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2. STATE OF KARNATAKA
DEPARTMENT OF HIGHER EDUCATION
6TH FLOOR, MS BUILDING
DR B R AMBEDKAR VEEDHI
BANGALORE-560001
BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT
3. COUNCIL OF ARCHITECTURE
INDIA HABITAT CENTRE
CORE 6A, 1ST FLOOR
LODHI ROAD
NEW DELHI-110003
BY ITS REGISTRAR

... RESPONDENTS

(BY SRI SRINIVAS RAO, ADV. FOR
SRI BADRI VISHAL, ADV. FOR R1
SRI R.B. SATHYANARAYANA SINGH, HCGP FOR R2
SRI SIDDHARTH B. MUCHANDI, ADV. FOR C/R3)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE COMMON
ORDER OF THE LEARNED SINGLE JUDGE DATED 22.11.2012
SO FAR AS IT RELATES TO W.P.NO.23792/2012.

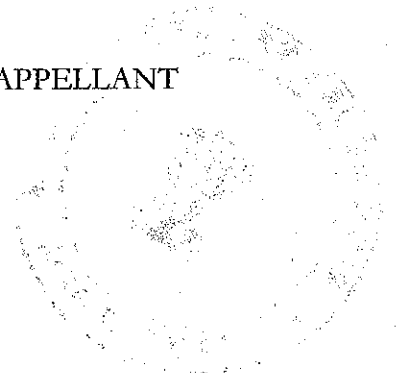
IN W.A.NO.112/2013

BETWEEN

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
7TH FLOOR, CHANDRALOK BUILDING,
JANPATH,
NEW DELHI-110001
HAVING REGIONAL OFFICE AT
PALACE ROAD,
BANGALORE 560009
REPRESENTED BY ITS DIRECTOR.

... APPELLANT

(BY SMT SONA M. BADIGER, ADV.)



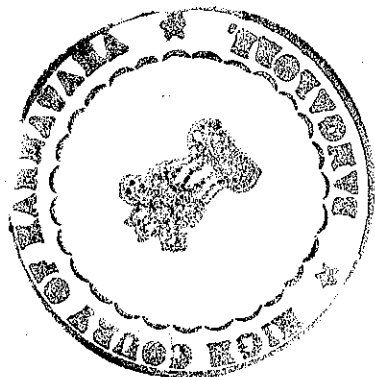
AND

1. BMS SCHOOL OF ARCHITECTURE
POST BOX NO. 6448,
BMSIT CAMPUS,
DODDABALLAPUR MAIN ROAD,
AVALAHALLI, YELAHANKA,
BANGALORE-560064.
REPRESENTED BY ITS DIRECTOR
2. STATE OF KARNATAKA
DEPARTMENT OF HIGHER EDUCATION,
6TH FLOOR, MS BUILDING,
DR.B.R.AMBEDKAR VEEDHI,
BANGALORE-560001
BY PRINCIPAL SECRETARY.
3. VISVESVARAYA TECHNOLOGICAL UNIVERSITY
JNANA SANGAMA,
BELGAUM-590018
REP BY ITS REGISTRAR
4. COUNCIL OF ARCHITECTURE
INDIAN HABITAT CENTRE,
CORE 6A, 1ST FLOOR,
LODHI ROAD,
NEW DELHI-110003
REP. BY ITS REGISTRAR
5. AKANKSH SREEDHAR MORAB
6. ARUSH PATI
7. EKTA CHOPRA
8. HARISHITA V REDDY
9. MANJU AKASH J K
10. MUYEEZA AFZAL



11. NAVYA M R
12. NIKITA CHAVAN
13. NISHAD V. KARNAD
14. SAHANA M. BHAT
15. SAVITHA M
16. SMRITU. K
17. SUKRUTHA N.S
18. ANUSHA. K
19. KAVYA SRINIVAS
20. MOHD. IBRAHIM
21. SHRUTHI NATH. N
22. SIDDHARTH RABBI
23. B. ARJUN SRI
24. KUTSHO U. THERIE
25. SUMODHINI. V
26. POOJA. V
27. SYED SHARIK ULLA
28. ABHAY ARYA

R5 TO R28 ARE STUDYING IN III SEMESTER
& C/O BMS SCHOOL OF ARCHITECTURE
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DODDABALLAPUR MAIN ROAD,

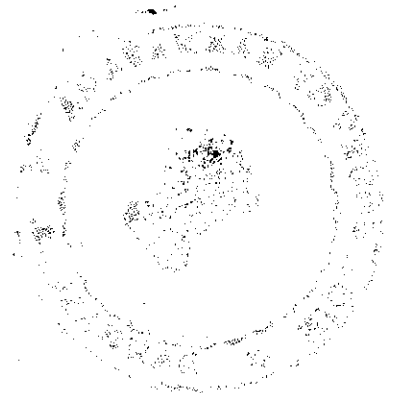


AVALAHALLI,
YELAHANKA,
BANGALORE-560064

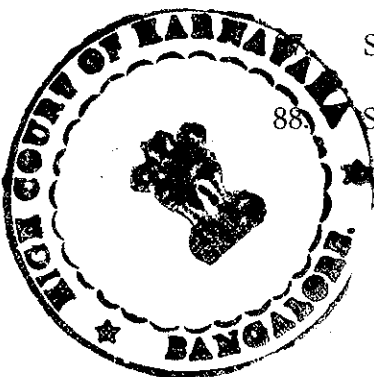
29. AISHWARYA UDAY
30. ANUPAMA MANJUNATH
31. CHAITRALAKSHMI. R
32. CLERIN ALEX
33. DIVYA SARA JACOB
34. HANNAH JOHN
35. HARITHA RAJAN
36. KUNDHAVI NAGARAJ PALAVALLI
37. MAHIMA. J
38. MANASA. H.A
39. NANDA B.S
40. NUPUR ROYCHAUDHURY
41. PALLAVI S. NARAYAN
42. PRAGATHI PRASAD. S
43. RASHMI REDDY. R
44. RAI C. HEGDE
45. RITIKA SANJEEV
46. S. SHARANYA
47. SAMATA KIRAN HEGDE



48. SANJANA P. HARSH
49. VARNA V. VENKATESH
50. VIDYASHREE UNNIKRISHNAN
51. AISHWARYA DEONANI
52. AMINA GOUSIA
53. AMRUTA V
54. APOORVA S. HEGDE
55. KOMAL NARENDRA
56. MEGHANA G.R
57. MITHILA K.P
58. NISHKALA. B
59. POOJA HARUMALANI
60. POOJITHA. M.P
61. PRANOTI. V
62. RASHMI. Y
63. RUPINI. E
64. SHARANYA R. REDDY
65. VARALIKA RAJ SINH
66. ADITI MALAVIKA. V
67. AFREEN ASIFA ASHRAAF

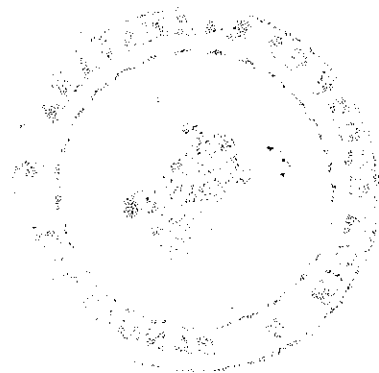
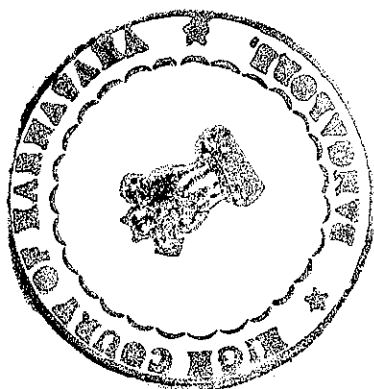


68. ASHWINI. V
69. MONISHA. N
70. NIKITA. R
71. NIVEDITHA SHIVRAJKUMAR
72. RANJITHA. H.B
73. RIJUTHA PATGIRI
74. SANJANA A. SAI
75. SHIKHA SWAROOP
76. SHRUTI NAIDU. E.K
77. SONU. M
78. SUVIKSHA. S.R
79. AKASH. V
80. BHARGAV BHAT. U.R
81. CHANDHAN R.K
82. MAHESH. N.R
83. MANEESH R. BHAT
84. MOHAMMAD SOUHAN B.A
85. NAGARAJUN M
86. SATHISH. M
87. SIDHARTHA VALLURI
88. SOURABH NAVANI



89. VARUN. Y
90. AMAN ULLAH
91. AMEESH M. KAREKAR
92. DEEPAK AGNIHOTRI
93. HARSHITH. L.R
94. KARTHIK. G
95. RAEES BACKER
96. SIDDARTH DUTTA
97. ARSH BANSAL
98. ARVIND RAJGOPAL
99. CEPHAS BHASKAR
100. GADEPALLY ROHIT
101. MOHAMMED OWAZE ANSARI
102. MOHIT MAKHIJA
103. NIHAL KIRAN REDDY
104. SUDESH REDDY. N
105. YASHAS. R

R29 TO R105 ARE STUDYING IN I SEMESTER
& C/O BMS SCHOOL OF ARCHITECTURE
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WRIT APPEAL FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
COMMON ORDER OF THE LEARNED SINGLE JUDGE DATED
22.11.2012 SO FAR AS IT RELATES TO W.P.NO.44264/2011 AND
ETC.

THESE WRIT APPEALS COMING ON FOR PRELIMINARY
HEARING THIS DAY, K.L.MANJUNATH J., DELIVERED THE
FOLLOWING:-

JUDGMENT

Aggrieved by the order of the learned Single Judge in allowing
the writ petitions filed by the respondent – Institution holding that
that the approval granted by the council of Architecture is sufficient
and that the institution need not seek approval from AICTE and that
AICTE has no role to play with regard to the matter of admission
and other aspects insofar as architecture course, the present appeals
are filed.

2. Learned Single Judge while allowing the writ petition
has relied upon the judgment of the Bombay High Court upholding

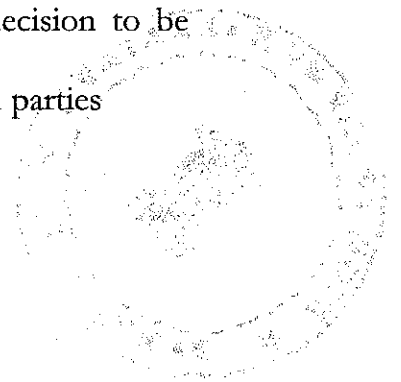
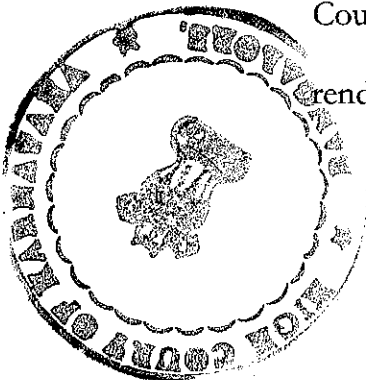


the power of Council of Architecture under the provisions contained in the Architects Act, 1972.

3. Heard the learned counsel for both parties.

4. It is brought to our notice that the questions involved in these appeals are now pending before the Hon'ble Supreme Court. Judgment rendered by the Bombay High Court has been challenged by the appellant herein before the Hon'ble Supreme Court.

5. Sri Srinivasa Rao, learned counsel appearing for the 1st respondent – Institution submits that both parties are bound by the decision of the Hon'ble Supreme Court to be rendered in the matter taken by the appellant herein to the Hon'ble Supreme Court. He further submits that in case the appeal filed by the appellant herein is held in its favour by the Hon'ble Supreme Court, then the respondent will be bound by the decision of the Hon'ble Supreme Court and in such an event, the respondent shall redeposit the amount before the appellant herein. Therefore, he requests this Court to dispose of these appeals holding that the decision to be rendered by the Hon'ble Supreme Court shall bind both parties



6. Aforesaid fact is not disputed by the appellants' counsel.

In view of the same, these appeals are disposed of holding that the order of the Single Judge passed in writ petitions would be subject to the out come of the decision of the Hon'ble Supreme Court in the matter now pending before the Hon'ble Supreme Court against the judgment of the Bombay High Court.

Accordingly, these appeals are disposed of.



Sd/-
JUDGE

Sd/-
JUDGE

VP

- a) The date on which the application was made 25/3/15
- b) The date on which charges and additional charges if any, are called for 27/3/15
- c) The date on which charges and additional charges, if any are deposited/ Paid 07/4/15
- d) The date on which the copy is ready for delivery 13/4/15
- e) The date of notifying that the copy is ready to appear on or before 17/4/15
- f) The date on which the copy is delivered to the Applicant 15/4/15
- g) The date on which the copy is delivered to the Applicant by A.C.P.

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Comesh n 15-4-15
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 High Court of Karnataka
 Bangalore - 560 001

