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

Date of Decision: 09.09.2026

CNR No. DLHC010377622026

+ W.P.(C) 11751/2026 & CM APPL. 59273/2026, CM APPL.
59272/2026

GITARATTAN INTERNATIONAL BUSINESS SCHOOL UNDER
THE AEGIS OF ROHINI EDUCATIONAL SOCIETY

.....Petitioner

Through: Mr. Namit Suri, Ms. Aditi Sharma,
Advs.

versus

DIRECTORATE OF TRAINING AND TECHNICAL
EDUCATION, GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Sharma, Advocate with
Mr. Brijender Rawat DTTE for R1&3

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

1. This is an amended writ petition filed under Article 226 of the
Constitution of India seeking the following prayers :-

*“a. Pass the writ of mandamus and direct the Respondent Nos.
1 and 3 to grant No Objection Certificate/NOC to the
Petitioner for commencing and administering Bachelor of*



Computer Applications (Second Shift) Programme with 60 seats;

b. Quash/Set aside the Speaking Order dated 31.08.2026 passed by the Respondent No.1 whereby the request of the Petitioner for grant of No Objection Certificate/NOC for commencing and administering Bachelor of Computer Applications (Second Shift) Programme with 60 seats has been erroneously rejected. ...”

2. The brief facts of the case are that the petitioner is an Institute affiliated to respondent No. 2 running 5 courses and is governed by the framework of All India Council for Technical Education (**“AICTE”**).

3. The petitioner made an application for grant of extension of approval for the academic year 2026-27. Subsequently, the petitioner sought permission to conduct undergraduate BCA course for 120 seats, which was granted by the AICTE vide letter of approval dated 10.04.2026.

4. Thereafter, the respondent No. 1 was required to issue a No Objection Certificate (**“NOC”**) in terms of its policy guidelines. Some of the relevant provisions of the policy guidelines dated 12.01.2016 read as under:-

“1. Eligibility criteria for Affiliation

1.1 The government may permit new institutions to be set up in permanent building /complex only in conforming areas subject to the condition that they shall satisfy the following requirements, or the requirements in respect of any of them prescribed by any concerned Statutory body/ regulatory body:
(i)...



...

(iii)...

d. Wherever the approval is required from any statutory body, the norms prescribed, if available precisely, from that body for that programme would have to be adopted mutatis mutandis.

...

7. Second Shift

7.1 New Institutions as well as existing institutions (both in conforming and non-conforming area) may be allowed to run 2nd shift for any course which is running in the morning shift for at least two years in the institute, where the recognition/NOC has been received from the statutory body/Govt., wherever applicable, subject to the fulfilment of condition of academic faculty requirement, infrastructural requirement and the curriculum as stipulated by the university and recommended by Joint Assessment Committee. The terms and conditions of the 2nd shift are as follows: ...”.

5. Since, the petitioner was not granted an NOC for commencing BCA (Second Shift) for 60 seats, the petitioner filed the earlier writ petition (unamended) in which Order dated 14.08.2026 was passed directing respondent No. 1 and 3 to consider the writ petition as a representation and pass a speaking order within 10 days from the date of the Order. The same was decided by the respondent No. 1 by a speaking order dated 31.08.2026 whereby the request for grant of NOC was rejected.

6. The reliance placed by Mr. Suri, learned counsel for the petitioner, on paragraph No. 27 of the judgment passed in ***Jaya Gokul Educational Trust***



v. Commr. & Secy. to Govt. Higher Education Deptt., (2000) 5 SCC 231, is relevant and the same reads as under:-

“27. The so-called “policy” of the State as mentioned in the counter-affidavit filed in the High Court was not a ground for refusing approval. In Thirumuruga Kirupananda & Variyar Thavathiru Sundara Swamigal Medical Educational & Charitable Trust v. State of T.N. [(1996) 3 SCC 15] which was a case relating to medical education and which also related to the effect of a Central law upon a law made by the State under Entry 25 List III, it was held (at SCC p. 35, para 34) that the

“essentiality certificate cannot be withheld by the State Government on any policy consideration because the policy in the matter of establishment of a new medical college now rests with the Central Government alone”.

(emphasis supplied)

Therefore, the State could not have any “policy” outside the AICTE Act and indeed if it had a policy, it should have placed the same before AICTE and that too before the latter granted permission. Once that procedure laid down in the AICTE Act and Regulations had been followed under Regulation 8(4), and the Central Task Force had also given its favourable recommendations, there was no scope for any further objection or approval by the State. We may however add that if thereafter, any fresh facts came to light after an approval was granted by AICTE or if the State felt that some conditions attached to the



permission and required by AICTE to be complied with, were not complied with, then the State Government could always write to AICTE, to enable the latter to take appropriate action.”

7. Mr. Sharma, learned counsel for the respondent, on the other hand places reliance on paragraph No. 47 and 48 of **A.P.J. Abdul Kalam Technological University v. Jai Bharath College of Mngt. & Engg. Technology, (2021) 2 SCC 564**, to state that the state government is having the power to prescribe enhanced norms and standards than the one prescribed by AICTE in order to maintain better standards of higher education in the state or in the colleges affiliated to Universities. The relevant paragraphs of the aforesaid judgment read as under:-

“47. That even the State Government can prescribe higher standards than those prescribed by AICTE was recognised by a three-member Bench of this Court in State of T.N. v. S.V. Bratheep [State of T.N. v. S.V. Bratheep, (2004) 4 SCC 513 : 2 SCEC 547] . This principle was later applied in the case of universities in Visveswaraiah Technological University v. Krishnendu Halder [Visveswaraiah Technological University v. Krishnendu Halder, (2011) 4 SCC 606 : 4 SCEC 148] where this Court considered the previous decisions and summarised the legal position emerging therefrom as follows : (Visveswaraiah Technological University case [Visveswaraiah Technological University v. Krishnendu Halder, (2011) 4 SCC 606 : 4 SCEC 148] , SCC pp. 614-15, para 14)

“14. ... (i) While prescribing the eligibility criteria for admission to institutions of higher education, the



State/University cannot adversely affect the standards laid down by the Central Body/AICTE. The term “adversely affect the standards” refers to lowering of the norms laid down by the Central Body/AICTE. Prescribing higher standards for admission by laying down qualifications in addition to or higher than those prescribed by AICTE, consistent with the object of promoting higher standards and excellence in higher education, will not be considered as adversely affecting the standards laid down by the Central Body/AICTE.

(ii) The observation in para 41(vi) of Adhiyaman [State of T.N. v. Adhiyaman Educational & Research Institute, (1995) 4 SCC 104] to the effect that where seats remain unfilled, the State authorities cannot deny admission to any student satisfying the minimum standards laid down by AICTE, even though he is not qualified according to its standards, is not good law.

(iii) The fact that there are unfilled seats in a particular year, does not mean that in that year, the eligibility criteria fixed by the State/University would cease to apply or that the minimum eligibility criteria suggested by AICTE alone would apply. Unless and until the State or the University chooses to modify the eligibility criteria fixed by them, they will continue to apply in spite of the fact that there are vacancies or unfilled seats in any year. The main object of prescribing eligibility criteria is not to ensure that all seats



in colleges are filled, but to ensure that excellence in standards of higher education is maintained.

(iv) The State/University (as also AICTE) should periodically (at such intervals as they deem fit) review the prescription of eligibility criteria for admissions, keeping in balance, the need to maintain excellence and high standard in higher education on the one hand, and the need to maintain a healthy ratio between the total number of seats available in the State and the number of students seeking admission, on the other. If necessary, they may revise the eligibility criteria so as to continue excellence in education and at the same time being realistic about the attainable standards of marks in the qualifying examinations.”

48. Visveswaraiah [Visveswaraiah Technological University v. Krishnendu Halder, (2011) 4 SCC 606 : 4 SCEC 148] principles were reiterated in Mahatma Gandhi University v. Jikku Paul [Mahatma Gandhi University v. Jikku Paul, (2011) 15 SCC 242 : 6 SCEC 18] . The legal position summarised in para 14 of the Report in Visveswaraiah [Visveswaraiah Technological University v. Krishnendu Halder, (2011) 4 SCC 606 : 4 SCEC 148] (extracted above) were quoted with approval by the Constitution Bench in Modern Dental College & Research Centre v. State of M.P. [Modern Dental College & Research Centre v. State of M.P., (2016) 7 SCC 353 : 7 SCEC 1] In Modern Dental College [Modern Dental College & Research



Centre v. State of M.P., (2016) 7 SCC 353 : 7 SCEC 1] , Issue IV framed for consideration by the Constitution Bench (as reflected in the opinion of the majority) was as to “whether the legislation in question was beyond the legislative competence of the State of Madhya Pradesh”. While answering this issue, the opinion of the majority was to the effect: ... ”

8. I am unable to agree with the said contention of the respondent No. 1 for the reason that the order dated 23.07.2026 issued by respondent Nos. 1 and 3 itself states that the respondent Nos. 1 and 3 are bound by the approval of the statutory regulating body and, thus, they cannot be permitted to take steps contrary to it. Additionally, if the respondent Nos. 1 and 3 are not inclined to agree with the intake approved by AICTE, they are required to write to AICTE to take appropriate actions as mandated by the judgment of ***Jaya Gokul Educational Trust (Supra)***.

9. Pursuant to the Order of this Court, the respondent No. 1 passed a speaking order dated 31.08.2026, operative portions of the which read as under:-

“Keeping in view of DHE Policy Guidelines dated 12.01.2016 amended from time to time, DHE Order dated 23.07.2026 and in compliance of the orders of Hon'ble High Court, Delhi, the petition is considered as representation and rejected on the following grounds:

1. The order dated 23.07.2026 was issued in continuation of the DHE guidelines dated 12.01.2016 amended from time to time means clause 7 of DHE guidelines dated 12.01.2016 is still in existence and had not been amended



till date as per which the criteria for grant of NOC for 2nd shift still remains inforce. Therefore, Gitarattan International Business School does not fulfills the criteria required for running the 2nd Shift.

2. In addition to above, Gitarattan International Business School has not furnished any substantial grounds on which the request for grant of NOC for 2nd Shift can be granted.

With this speaking order the representation of Gitarattan International Business School stands disposed off and rejected.”

10. From a perusal of the aforesaid, it is clear that the respondent No. 1 has rejected the representation of the petitioner primarily by placing reliance on Clause 7.1 of the policy. However, I am of the view that when approval by statutory regulatory authority is already there, the respondent No. 1 and 3 are only required to issue an NOC. The amendment to the policy dated 12.01.2016 by order of 23.07.2026 is relevant and reads as under:-

***“GOVERNMENT OF NATIONAL CAPITAL TERRITORY
OF DELHI***

***DIRECTORATE OF HIGHER EDUCATION
BTE BUILDING, MUNI MAYA RAM MARG,
PITAMPURA, DELHI-110034***

E-Mail: dirhiedu@nic.in

ORDER

In exercise of the powers conferred by Section 17 read with Clause (g) of Section 3, and Section 13 of The Delhi



Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence) Act, 2007 (Delhi Act 08 of 2007), the Government of National Capital Territory of Delhi, for smooth affiliation, admission and other regulatory processes in respect of self-financing colleges affiliated with Guru Gobind Singh Indraprastha University (GGSIPU), which was appointed as the designated agency under the said Act vide order dated the 5th May, 2011, hereby orders following interim measures for immediate implementation:-

1. Alignment with Statutory Regulatory Body Prescribed Norms and Acceptance of Statutory Body Approvals Regarding Intake:- In continuation to the Clause 1.1 read with Clause 1.1(iii)(d) of DHE, Govt. of NCT of Delhi, Policy Guidelines dated 12.01.2016 it is further clarified that the approval of the Statutory Regulating Body in respective program/course wherever applicable, specifying the permitted intake shall be duly accepted for issuance of NOC by the Government. ...”

11. A perusal of the aforesaid shows that the respondent No. 1 and 3 are bound by its policy to issue NOC on the basis of approval of the statutory regulating body. Once the AICTE (statutory regulating body) has granted permission for intake of 120 seats for BCA course, the respondent Nos. 1 and 3 are required to issue NOC for the same. The keyword used in the order dated 23.07.2026 is “shall”, which gives the amendment a mandatory



character.

12. For the said reasons, the denial of NOC with respect to 60 seats of BCA (Second Shift) relying on Clause 7.1 is in violation of the order dated 23.07.2026, hence, it cannot be sustained.

13. Consequently the impugned order dated 31.08.2026 is set aside and the respondent Nos. 1 and 3 are directed to re-consider the case of the petitioner afresh in terms of the observations of the Court made hereinabove. The needful shall be done within 1 week from today.

14. With aforesaid directions, the petition stands disposed of along with pending applications, if any.

JASMEET SINGH, J

SEPTEMBER 9, 2026/AS

(corrected and released on 10.09.2026)