

It has to be brought to the notice of all Institutes (Govt./ Govt. aided/ Private) offering Courses in B.Arch. Design / Planning)

F. No. 18/2007 TF-VI  
Government of India

Ministry of Human Resource Development  
Department of Higher Education

(DHANPAT SINGH, IAS)

PSTE

29-08-2012

O.T. PCTE New Delhi dated the 16 August, 2012

No. 2802

Date 30/8/12

28 AUG 2012

73317

7260

To  
DGTE  
The Principal Secretary,  
Technical Education,  
(All States / UTs)

Sub: Admission to five year Bachelor of Architecture Degree Course -  
Procedure regarding.

FCTE

Sir,

1946/DGTE  
30/08/12

I am directed to say that as the Council of Architecture started holding National Aptitude Test in Architecture (NATA) and made it compulsory for admission to 5 years B.Arch. degree course in India. Marathwada Mitra Mandal's College of Architecture, Pune, Maharashtra filed a Writ Petition No. 5004 of 2007 in the High Court of Bombay challenging the COA's action. The Hon'ble High Court in its interim order dated 03-12-2007 stayed the advertisement issued by the Council on 18-05-2007 in this regard. The COA has challenged this interim order of 03-12-2007 of the High Court of Bombay by filing SLP No. 3964 of 2008 in the Supreme Court. In the meantime the Registrar, COA again issued a public notice on 12-03-2008 making NATA compulsory for admission to B.Arch. Course. The Apex Court passed an interim order on 24-07-2008 staying the operation of the public notice issued by the Council of Architecture and clarified that CBSE or any State Government much less the Government of Maharashtra or any Institution may conduct competitive test for admission in B.Arch. Course and the students may be admitted on the basis of result of such tests. The Hon'ble Supreme Court further held that it would not be necessary for the students to pass NATA for which Council of Architecture is insisting. A copy of the interim order dated 24-07-2008 is enclosed for your information and necessary action.

Yours faithfully,

(Rajesh Singh)  
Director (TEL)

Telefax No. 23382604

Encl. As above

Copy with copy of interim order dated 24-07-2008 to

1. Chairman, AIEEE
2. Chairman, All India Council for Technical Education, New Delhi

Copy also to Webmaster M/o HRD with the request to upload the interim order dated 24-07-2008 of the Hon'ble Supreme Court on the website of Ministry of Human Resource Development.

3-9-12

JD (S)

Urgent

31/9/12

Suburgently

3/9

AB

S.S. No. 66(R)

123

S.C.(Civil) No. S-(85) 2008. 1906/2012 ~~2012~~  
Date: 9/7/2012

From  
THE REGISTRAR (JUDL-II)  
HIGH COURT, (APPELLATE SIDE)  
BOMBAY-400 032.

TO  
1. The State of Maharashtra  
Through its the Principal Secretary,  
High & Technical Education  
Department, Govt. of Maharashtra,  
Mantralaya Anneve, Mumbai-400 032.

✓ 4. The Secretary,  
Ministry of Human Resources  
and Development, New Delhi-  
110001.

2. The Directorate of Technical  
Education Maharashtra State, 3,  
Mahapalika Marg, Mumbai-400 001.

5. University of Pune,  
Through its Registrar, Ganesh  
Khind Road, Pune-411007.

3. Union of India,  
Through its The Secretary,  
Ministry of Human Resources and  
Development, Department of Education,  
Shastri Bhawan, New Delhi-110001.

6. The Govt. Pleader,  
High Court, Appellate Side,  
Bombay.

SUB: PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No. 3964 OF 008.

(From the Judgment and Order dated 3<sup>rd</sup> December, 2007 in Writ Petition  
No. 5004 of 2007.)

COUNCIL OF ARCHITECTURE.. PETITIONER.

V/S.

MARATHWADA MITRA MANDAL'S COLLEGE  
OF ARCHITECTURE AND ORS.. RESPONDENTS.

Sir,

In continuation to this High Court letter bearing No.S.C.(Civil) S-/2008/953 to

959,2008 dt.13.08.2008 on the subject noted above, I am directed by the Registrar

Judicial-II, to forward herewith a true copy of Order dt. 24.07.2008 for your

information and necessary action.

Kindly acknowledge receipt

Yours faithfully,

For Registrar (Judl-II)

Encl: As above.

*Handwritten notes:*  
ACT/  
1-8-2008  
30 (15/12)  
9

म. सं. वि. न्यायालय, मुंबई.  
FTS No. 88.201/12

716  
Certified to be true Copy  
DEPUTY REGISTRAR (Judicial)  
31-7-2008  
Supreme Court of India

7  
PART-HEARD  
ITEM NO.1

COURT NO.2

SECTION IX

SUPREME COURT OF INDIA 205732  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3964/2008 ✓

(From the judgement and order dated 03/12/2007 in WP No.5004/2007  
of The HIGH COURT OF BOMBAY)

COUNCIL OF ARCHITECTURE

Petitioner(s)

VERSUS

M.M.MANDAL'S COLLEGE OF ARCH. & ORS.

Respondent(s)

(With appln.(s) for impleading party and Directions)

With Civil Appeal No.364 of 2005

Date: 24/07/2009 These Matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s)

Mr. Naveen R. Nath, Adv.  
Mr. S.C. Sharma, Adv.  
Ms. Hetu Arora, Adv.  
Ms. Lalit Mohini Bhat, Adv.

For Appellant(s)

Mr. K.K. Venugopal, Sr. Adv.  
Mr. Ankur Talwar, Adv.  
Ms. Prerna Kumari, Adv.  
Mr. S. Chandra Shekhar, Adv.

For Respondent(s)

Mr. Sudhanshu S. Choudhari, Adv.  
Mr. Naresh Kumar, Adv.

Mr. Gopal Subramanian, ASG  
Mr. Devansh Mohta, Adv.  
Ms. Binu Tamta, Adv.  
Ms. Mayuri Kacker, Adv.  
Ms. Sushma Suri, Adv.

Mr. Uday U. Lalit, Sr. Adv.  
Mr. Manish Pitale, Adv.  
Mr. Ravindra Keshavrao Adsure, Adv.

Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sharma, Adv.  
Mr. Kishan Datta, Adv.

Mr. M.D. Adkar, Adv.  
Mr. Vijay Kumar, Adv.  
Mr. Vishwajit Singh, Adv.

Mr. V.N. Raghupathy, Adv.

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

Mr. Gopal Subramaniam, learned Additional Solicitor General appearing for Union of India- Respondent Nos.5-6, resumed his submissions at 10.35 and concluded at 2.35 p.m. Thereafter Mr. U.U. Lalit, learned senior counsel made his submissions till 2.50 p.m.

Liberty is granted to the Union of India to file additional affidavit in the special leave petition within one week. Reply thereto may be filed by the petitioner one week thereafter.

Place these matters for further hearing on 19th August, 2008, as first part-heard case.

I.A. No.1 of 2008:

The application for impleadment of Central Board of Secondary Education is allowed.

I.A. No.2 of 2008:

We have heard learned counsel appearing on behalf of the petitioner and the Union of India. Of course the petitioner is still to be heard in reply.

726

The interlocutory application has been filed on behalf of the State of Maharashtra with the complaint that after passing of the interim order dated 29th February, 2008, by this court, the Registrar, Council of Architecture, has issued public notice dated 12th March, 2008, to the effect that no institution of the country shall make admission in Bachelor of Architecture course unless a candidate had passed out National Aptitude Test in Architecture [for short 'NATA']. Thereafter he issued communication to the Director, Technical Education, Maharashtra, to the same effect.

Having heard the parties at length, we feel that the matter requires serious consideration and the hearing may take some more time. However, "as some doubts have been created in the mind of student community throughout the country as to whether they should appear in the examination conducted by different State Governments or by Central Board of Secondary Education [for short, 'C.B.S.E.'], or by any other Institution or they must clear NATA for admission in Bachelor of Architecture course, it is necessary to clarify the position. Accordingly, we modify interim order dated 29th February, 2008, to this extent that C.B.S.E., any State Government, much less the Government of Maharashtra or any other Institution may conduct competitive test for admission in Bachelor of Architecture course and the students may be admitted on the basis of the result of such tests and the courses may commence thereafter. It will not be necessary for the students to pass NATA for which the Council of Architecture is insisting. However, this order will be subject to the result of the special leave petition.

During the pendency of this case, operation of public notice issued by the Council of Architecture on 12th March, 2008, shall remain stayed.

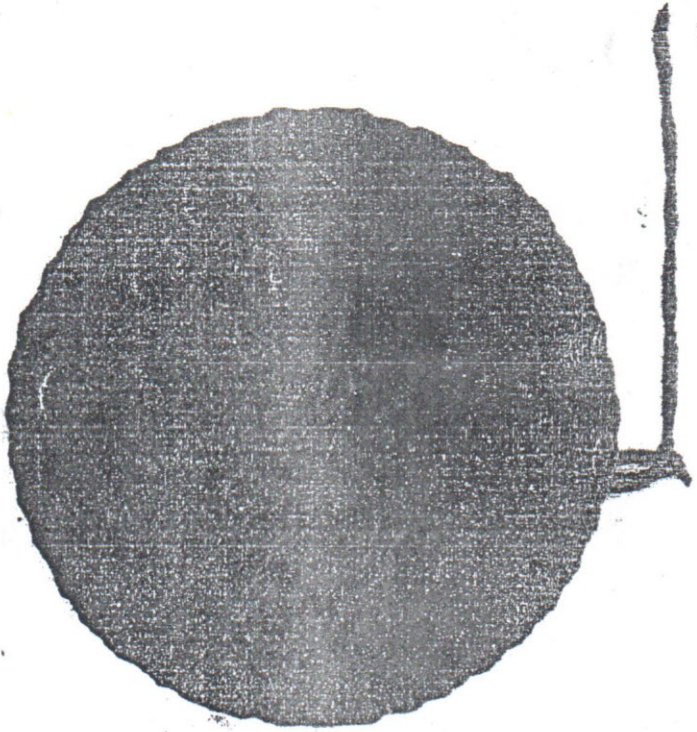
*T.I. Rajput*  
[ T.I. Rajput ]  
A.R.-cum-P.S.

*Alka Dudeja*  
[Alka Dudeja]  
Court Master

*Om Prakash*  
[ Om Prakash ]  
Court Master

*25-7-08*

*25/7/08*



SEALED IN MY PRESENCE  
SEALED IN MY PRESENCE  
SEALED IN MY PRESENCE

31/7/08

TRUE COPY  
*Albuquerque* 6012  
Section Officer, High Court  
Appellate Side  
Bombay.