

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No 1819 of 2020
(Arising out of SLP(C) No 18752 of 2014)

Council of Architecture

Appellant

Versus

Mr Mukesh Goyal & Ors

Respondents

WITH

Civil Appeal Nos 1820-1822 of 2020
(Arising out of SLP(C) Nos 25524-25526 of 2014)

JUDGMENT

Dr Dhananjaya Y Chandrachud J.

Validity unknown The question before this Court is whether Section 37 of the Architects Act

Digitally signed by
CHETAN KUMAR
Date: 2020.01.13
13:05:53 IST
Reason:

1972¹ merely prohibits the use of the title "Architect" by individuals not registered

¹ "Architects Act"

with the Council of Architecture² under Chapter 3 of the enactment or alternatively whether Section 37 actually prohibits unregistered individuals from carrying out the practice of architecture and its cognate activities. In other words, does Section 37 permit individuals not registered with the Council to continue practicing the profession of architecture in India? As a corollary to this question, this Court is also called upon to determine whether a government post titled or styled using the term "Architect" can be held by individuals not registered with the Council of Architecture.

2 The present appeals arise out of three writ petitions filed by the first respondent before the High Court of Allahabad. The first respondent has been working as an Architectural cum Planning Assistant in the service of the third respondent, the New Okhla Industrial Development Authority³ since January 1988 and claims to possess a degree in architecture from the Indian Institute of Architects. NOIDA is an authority created under Section 3 of the Uttar Pradesh Industrial Area Development Act 1976⁴ to supervise and manage the development of various geographical zones of the state of Uttar Pradesh.

3 Exercising its powers under Section 19 of the U.P. Industrial Area Development Act and with the approval of the state government, NOIDA framed the Service Regulations of 1981 for the recruitment and promotion of employees in its various departments. One of the departments under NOIDA's purview is the Department of Planning and Architecture where the first respondent is employed.

² "Council"

³ "NOIDA"

⁴ "U.P. Industrial Area Development Act"

Regulation 16 of the Service Regulations 1981 sets out the 'Sources of Recruitment'. Under sub-clause (iv) of clause (2) of Regulation 16, NOIDA has been conferred with the power to modify the sources of recruitment or the percentage of candidates appointed through promotion and direct recruitment. Thus, under the Service Regulations 1981, NOIDA has the power to lay down the conditions and qualifications for promotion from the feeder cadre to various posts in the Department of Planning and Architecture.

4 NOIDA spelt out the qualifications and conditions required for the promotion to various posts in the Recruitment and Promotion Policy 2005⁵. The Department of Planning and Architecture consists of two cadre streams, the Planning cadre stream and the Architecture cadre stream. The Planning cadre stream consists of the following posts (in ascending order of seniority): (i) Planning Assistant; (ii) Associate Town Planner; (iii) Town Planner; and (iv) Senior Town Planner. The Architecture cadre stream consists of the following posts (in ascending order of seniority): (i) Architecture Assistant; (ii) Associate Architect; (iii) Architect; and (iv) Senior Architect. In practice, the two cadres draw on a common pool of candidates, the only distinction being made when specific work orders are issued.

5 The Promotion Policy 2005 provided that for the post of Associate Town Planner, 60 per cent of recruitment would take place by way of promotion, the eligibility criteria being fifteen years' experience as a Planning Assistant.

⁵ "Promotion Policy 2005"