

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937**

**WP(C).No. 23941 of 2015 (P)**  
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**PETITIONER:**  
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**THE CHAIRMAN & MANAGING TRUSTEE,  
NEHRU COLLEGE OF EDUCATIONAL & CHARITABLE TRUST,  
NILA GARDENS, PAMPADI, THIRUVILWAMALA,  
THRISSUR - KERALA STATE 680 597.**

**BY ADV. SRI.GEORGE JACOB (JOSE)**

**RESPONDENT(S):**  
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- 1. THE STATE OF KERALA, REPRESENTED BY  
THE SECRETARY TO GOVERNMENT,  
HIGHER EDUCATION (C) DEPARTMENT,  
GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM, KERALA STATE-695 001.**
- 2. UNIVERSITY OF CALICUT, THENHIPALAM,  
MALAPPURAM, REPRESENTED BY ITS REGISTRAR,  
MALAPPURAM, KERALA STATE-673 635.**
- 3. THE DIRECTOR OF TECHNICAL EDUCATION,  
GOVERNMENT OF KERALA, PADMAVILASAM ROAD,  
THIRUVANANTHAPURAM, KERALA STATE-695 023.**

**R1 & R3 BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN  
R2 BY SRI.SANTHOSH MATHEW,SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE LETTER DATED 24-12-2014 FOR LETTER OF CONSENT SENT TO THE UNIVERSITY FOR STARTING AN ARCHITECTURAL COLLEGE.
- P2 : TRUE COPY OF THE APPLICATION IN PRESCRIBED FORMAT ALONG WITH COVERING LETTER DATED 26-12-2014 SUBMITTED TO THE COUNCIL OF ARCHITECTURE, NEW DELHI.
- P3 : TRUE COPY OF THE REQUEST LETTER DATED 1-1-2015 ADDRESSED TO THE 1ST RESPONDENT BY THE PETITIONER.
- P4 : TRUE COPY OF THE LETTER DATED 16-3-2015 SUBMITTED TO THE 1ST RESPONDENT.
- P5 : TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 6-5-2015 ISSUED BY THE UNIVERSITY.
- P6 : TRUE COPY OF THE LETTER OF INTENT DATED 10-4-2015 RECEIVED BY THE PETITIONER FROM COUNCIL OF ARCHITECTURE.
- P7 : TRUE COPY OF THE E MAIL COMMUNICATION DATED 24-4-2015 RECEIVED BY THE PETITIONER.
- P8 : TRUE COPY OF THE LETTER OF APPROVAL DATED 14-7-2015 OF COUNCIL OF ARCHITECTURE.
- P9 : TRUE COPY OF THE LETTER REQUESTING TO ISSUE NOC DATED 21-7-2015 ADDRESSED TO THE 3RD RESPONDENT BY THE PETITIONER.
- P10 : TRUE COPY OF THE LETTER DATED 21-7-2015 ADDRESSED TO THE UNIVERSITY BY THE PETITIONER ALONG WITH RECEIPT.
- P11 : TRUE COPY OF THE LETTER RECEIVED BY THE PETITIONER THROUGH E-MAIL DATED 28-7-2015.
- P12 : TRUE COPY OF THE ACADEMIC CALENDAR OF EVENTS FOR 2015-16 PRESCRIBING THE LAST DATE FOR ADMISSION IN THE B.ARCH COURSE.
- P13 : TRUE COPY OF THE LETTER DATED 29-7-2015 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.
- P14 : TRUE COPY OF THE LETTER DATED 3-8-2015 SUBMITTED BY THE PETITIONER TO THE HON.MINISTER FOR EDUCATION.
- P15 : TRUE COPY OF THE LETTER NO.23678/J2/15/H.EDN DATED 5-8-2015 RECEIVED BY THE PETITIONER FROM THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

**A.V.RAMAKRISHNA PILLAI, J.**

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**W.P.(C)No.23941 of 2015**  
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**Dated this the 13<sup>th</sup> day of August, 2015.**

**J U D G M E N T**

The petitioner is challenging the refusal of the State Government in granting NOC to start the College of Artchitecture and B.Arch Course as approved by the Council of Architecture.

2. The petitioner is the Chairman and Managing Trustee of a Trust conducting various Educational Institutions/Colleges including Engineering, Medical, Pharmacy, Nursing and law located in the State of Kerala and Tamil Nadu. The Trust had resolved to establish an Architectural College at Lakkidi, Mangalam and Palakkad. A three storied existing building in a two acre property with over 4,000 sq.mtrs. was ear-marked for the said College wherein requisite offices, workshops, Laboratories, Labs, Common rooms, Wash rooms, Work shop etc. had been

provided. The grievance of the petitioner is against the refusal on the part of the State Government to issue NOC and insistence by the University to obtain NOC from the State Government. The petitioner submitted applications to the Council of Architecture for approval of the College and course, to the University for its affiliation and to the State Government for issue of its NOC. The State Government issued Ext.P4 letter directing the petitioner to submit the application for NOC through R3 with approval letter from the Council and recommendation of the University. Ext.P5 is the NOC issued by the University for granting provisional affiliation to the College and course. The Council of Architecture issued Ext.P8 letter of approval, following which, the petitioner submitted Ext.P9 letter through the DTE seeking for NOC of the State Government enclosing order of approval and NOC of the University. The petitioner had further submitted Ext.P10 application and remitted Rs.3.2 lakhs to the University Account for affiliation. By

Ext.P11, R3 recommended that NOC could be issued to the petitioner's College. However, by Ext.P15 letter, the Government has refused to issue its NOC quite contrary to the assurance in Ext.P4, indicating the reason that allotment of the students for the year 2015-16 was already over. Ext.P12 Academic Calendar portrays that the last date for admission in B.Arch Courses is only 31.8.2015. Though two rounds of allotments are over, the process of allotment still continues with the remaining higher options filling up of lapsed seats and spot allotment. The petitioner submits that, after having expended considerable sum for the establishment of the College by providing all infra-structural facilities and amenities, appointing requisite faculties and remitted various amounts towards evaluation, processing and affiliation, it would be absolutely illegal on the part of the State Government to have issued Ext.P15 even when the process of admission is being continued till 31.8.2015. The petitioner had already submitted three affidavits and a draft

agreement for seat sharing with the Government and other terms and conditions ; it is alleged.

3. I have heard the learned counsel for the petitioner, the learned Standing counsel for the respondent University and the learned Government Pleader.

4. The learned counsel for the petitioner invited my attention to Ext.P5 NOC issued by the University for granting provisional affiliation to the College and course, and the University was satisfied with the eligibility of the petitioner and granted permission to start the B.Arch College during the Academic year 2015-16. The proposal was for intake of 40 students for the said Academic year. It was pointed out by the learned counsel for the petitioner that what remains is only to receive the NOC of the Government which has not been obtained so far. Ext.P5 was issued on 6.5.2015 and it was submitted that there has not been any response till date from the Government.

5. The petitioner invited my attention to the direction issued by this Court to the University in such cases to proceed further without waiting for the response from the Government.

Therefore, the writ petition is disposed of directing the 2<sup>nd</sup> respondent to take a decision on the petitioner's application for starting a new B.Arch Course without waiting for further NOC from the Government. A decision in this matter shall be taken in accordance with law, as expeditiously as possible @ within a period of 2 weeks of receipt of copy of this judgment.

Sd/-  
**A.V.RAMAKRISHNA PILLAI,**  
**Judge.**

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//True copy//

P.A.to Judge