

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.07.2015

DATE OF DECISION : 6.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.A.Nos.989 and 990 of 2015
and
M.P.Nos.1,1,2,2,3 and 3 of 2015

Archana Institute of Technology,
represented by its Chairman D.Jayapal,
No.7, Salem Main Road,
Thimmapuram,
Krishnagiri District.

... Appellant in
both writ appeals

Vs.

All India Council for Technical Education,
represented by its Advisor-I (Approval),
7th Floor, Chanderlok Building,
Janpath,
New Delhi-110 001.

... Respondent in
W.A.No.989 of 2015
and first respondent in
W.a.No.990 of 2015

Anna University of Technology,
represented by its Registrar,
Guindy,
Chennai-600 025.

.. 2nd respondent in
W.A.No.990 of 2015

These Writ Appeals are preferred under Clause 15 of the Letters Patent against the order dated 10.07.2015 passed in W.P.Nos.1775 and 14379 of 2015.

Prayer in WP.No.1775 of 2015:Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Calling for the records of the respondent by their proceedings F.No.Southern/2010/1-3483543/AB dated 16.01.2015 and quash the same.

Prayer in WP.No.14379/2015: Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Certiorari Mandamus Calling for the records of the 1st Respondent relating to the order in F.No. Southern/2010/1-3483543/AB dated 30.04.2015 and quash the same and direct the 1st Respondent to grant extension of approval for the academic year 2015-2016 to the petitioner's institute.

For Appellant .. Mr.N.R.Chandran, SC
for Mr.R.Kannan in W.A.No.989 of 2015
Mr.V.Raghavachari
for Mr.R.Kannan in W.A.No.990 of 2015

For respondents.. Mr.AR.L.Sundaresan
for M/s.AL.Gandhimathi
for respondent in W.A.No.989 of 2015
and for R-1 in W.A.No.990 of 2015

Mr.M.Vijayakumar
for R-2 in W.A.No.990/2015

COMMON JUDGMENT

SATISH K. AGNIHOTRI, J.

The instant appeals arise from the common order dated 10th July 2015 passed in W.P.Nos.1775 and 14379 of 2015 filed by the appellant herein.

2 The challenge in the first writ petition was to the order dated 16th January, 2015, whereunder and whereby the extension of approval granted to the appellant institute for the Academic Year (for short "AY") 2014-15 was withdrawn. In the second writ petition, the appellant had challenged the order dated 30th April, 2015, whereunder and whereby it was declined to grant extension of approval for AY 2014-15.

3 Regard being had to the commonality of the facts and question of law in both the appeals, they are considered and disposed by this common judgment. The appellant institute was granted approval by letter dated 5th June, 2009 for establishment of new technical institution for Degree, Engineering and Technical courses. Thereafter, the approval was renewed and extended continuously and regularly till the impugned letter dated 16th January, 2015 withdrawing the extension of approval for AY 2014-15 was issued. The appellant institute is run under the control of Archana Education and Charitable Trust, established in the year 2008 with the stated

purpose of providing technical education to the downtrodden living in and around Krishnagiri and Dharmapuri Districts. As aforesaid, the extension of approval as granted in June, 2009 and was extended every year till AY 2014-15, in question. It appears that on the basis of some news item published in "the Hindu" daily newspaper, whereunder it was stated that Archana Polytechnic College was put under lock and seal by the Commissioner of Directorate of Town and Country Planning on account of submission of bogus building plan, the All India Council for Technical Education (for short "AICTE") / respondent called for a report from the Sub Divisional Magistrate vide communication dated 28th May, 2013 and also local counsel was requested to have search in the office of the Joint Sub Registrar, Krishnagiri for verification of genuineness of the documents produced in the case on hand. The Advocate, vide his letter dated 20th June, 2014 informed to the AICTE as under:

"7. So far as the building plan approvals are concerned, verification of the records in the office of the Thimmapuram Village No.1 Panchayat reveals that plan approvals said to have been obtained on 23.3.2008 vide Resolution Nos.2,3,4,5,6,7,8 and 9 of 2008 and Resolution No.11 of 2010 dated 18.1.2010 are not true and genuine. When the same which was available in the files of AICTE were shown to the President of the Panchayat and the Panchayat Clerk, they categorically stated that no such resolution was passed on the dates viz. 23.3.2008 or 18.1.2010.

8. However from their records they had shown and furnished a copy of a resolution dated 12.3.2009 in an emergency meeting conducted at 11.00 AM to the effect that the application submitted by the college for putting up of constructions may be allowed on payment of necessary fees. Certificate copy of the said resolution is enclosed herewith. Payment there for has been received by the Panchayat. However there is no record to show that subsequently the plan was sanctioned by the Panchayat."

4 The said learned Advocate has submitted a report, stating therein that one of the Survey No.371/1 was under court attachment. The Revenue records do not reflect the name of the purchaser and all the survey numbers submitted in the name of the trust belong to individuals. The records in the panchayat office disclose that there is no such approval given by them.

5 The appellant was thereafter served notice dated 21st July, 2014 calling upon the appellant to appear before the Standing Complaint Committee (for short "the SCC") on 24th July, 2014 at 10.00 a.m. in the AICTE headquarters, New Delhi in respect of certain observations as pointed out by the Advocate in her report. The appellant was asked to present its case before the SCC on the fixed

date, i.e., 24th July, 2014. One Ms. Shagufa Salim, Advocate appeared for the appellant and sought adjournment and asked for supply of documents relied upon in the notice. Four weeks time was granted accordingly.

6 Thereafter, vide communication dated 6.8.2014, the appellant was informed of the next date of hearing on 4th September, 2014, enclosing a copy of the clipping of "The Hindu" and a copy of the search report. On 4th September, 2014, the Managing Trustee and Chairman (Trust) appeared before the SCC. After making certain observations as specified in the impugned communication dated 16th January, 2015, the appellant was granted six weeks time to produce the documents. The appellant was again properly informed vide notice dated 21st November, 2014, the next date of hearing before the SCC to be held on 26th November, 2014. One day before the date fixed for hearing, an email dated 25th November, 2014 was received by the SCC, whereunder the appellant further sought for four weeks time to submit a detailed response. The SCC, considering the request for adjournment, fixed the next date of hearing on 24th December, 2014. Accordingly, a notice was sent on 3rd December, 2014. A representative of the appellant institute appeared before the SCC on the date of hearing and expressed their inability to produce the latest khasra plan, showing clear division of survey No.78/3A as survey No.78/3A1 and 78/3A2, latest land use certificate for 78/3A2 admeasuring 1.08 acres and approved building plan on survey No.78/3A2, as required by the SCC. The appellant was given time till 3.00 p.m. on the same day. However, no documents could be produced. Ultimately, final decision was taken to withdraw the approval. Thus, the said recommendation was forwarded to the AICTE. Accordingly, the impugned order of withdrawing the extension of approval was communicated by the impugned letter.

7 In the pending writ petition, the learned Single Judge granted interim stay of the impugned letter dated 16th January, 2015. The appellant further submitted an application for extension of approval for AY 2015-2016 in time. The AICTE, recording the fact that the second respondent had pointed out the irregularities and malpractices committed by the faculty members and the management in conducting the examination vide letter dated 16th March, 2015 and also stating that sufficient time had elapsed since 24th July, 2014, but the institute failed to produce any proof against the abovesaid allegations, declined to grant further extension of approval for AY 2014-15.

8 The case of the appellant before the writ court was that the impugned order was vitiated on the ground that the appellant was not given sufficient opportunity to produce the documents as the latest khasra plan and other latest copy of the documents could not have been produced within few hours from a distant place like Krishnagiri. The Standing Appellate Committee comprises the same members, who were the members of SCC and as such the decision of the Standing Appellate

Committee was vitiated. The AICTE was fully aware of the fact that the trust owns 13.87 acres of land and the sale deed was properly executed in the name of the Trust. The extent of land was as under :

Survey No.	Extent
8/1	2.31 Acres
8/2	3.89 acres
9/1	6.59 Acres
78/3A	1.08 Acres

One Thiru Sankaran sold 1.08 acres of land in S.No.78/3A to Mr.Jayapal, Managing Trustee of the Trust on 24th August, 2007. The said property was settled in favour of the trust by another sale deed dated 13th March, 2008. Thereafter, the said land was divided into S.Nos.78/3A2 and 78/3A1. S.No.78/3A1 measuring 0.95 acres was purchased by the trust under registered sale deed dated 26th December, 2011. The recommendation of the appellate Committee was not communicated to the appellant contrary to the relevant Clause 10.1, which clearly prescribes for communication of the decision of the council to the concerned institution or other authorities. The council had wrongly taken a decision of withdrawal of the extension of approval on the basis of withdrawal of approval of polytechnic college when concerned appellate institute has nothing to do with the polytechnic college. A copy of the recommendation of the SCC was not supplied to the appellant institute, which is in total violation of principles of natural justice. All relevant documents were produced except latest documents as it required some more time. The SCC had taken a decision and sent the recommendation to the council without affording reasonable time to the appellant institution to produce the same.

9 The respondent AICTE filed a detailed counter affidavit and it was stated as under :

"4.x x x x x x x it was found that one of the encumbrance certificate furnished by the Sub Registrar's Office shows that there is an attachment in respect of 32 events of land in Survey No.371/1 of Thimmapuram Village No.1 and further it was found that the revenue records in respect of the lands which has been shown by the petitioner has not been transferred in the name of the Trust or the College and the revenue records in respect of several portions of land has been registered in the name of various individuals and so far as the building plan approval are concerned, verification of records in the office of the Thimmapuram Village No.1 Panchayat reveals that the plan approvals said to have been obtained on 23.3.2008 vide Resolution No.2,3,4,5,6,7,8 and 9 of 2008 and Resolution No.11 of 2010 dated 18.1.2010 are not true and genuine and the building plan which was filed in the office of the AICTE were shown to the President of the Panchayat and the Panchayat Clerk they categorically stated that no such resolution was

passed on the dates viz. 23.3.2008 or 18.1.2010. As such a letter was also obtained from the President of the Panchayat to the effect that there was no resolution passed by the Panchayat as noted down in the plan submitted to AICTE. In view of the aforesaid reasons, a notice dated 21.7.2014 was sent to the said Archana Institute of Educational calling upon them to appear before the duly Standing Complaint Committee held on 24.07.2014."

10 The appellant institute was given sufficient opportunity to produce all relevant documents, but the appellant had failed to do so. It was also stated in the counter affidavit as under :

"6. x x x x x x x x x that the representative of the Petitioner institution appeared before the Standing Complaint Committee on 4.9.2014 and the Standing Complaint Committee perused all the documents provided by the petitioner and found that the documents submitted by the institution as per its affidavit dated 18.9.2008 final plan approval was granted is different from the documents at present submitted by the institution and it is seen that the survey No.78-3A is 1.08 acres and 78/3A2 is 1.48 acres and it is only in August, 2014 that survey No.78/3A2 is shown transferred in the name of the Trust. But survey No.78/3A2 is not part of the land area as indicated in the affidavit as affirmed by the Trust which shows survey No.78/3A. It is found that survey No.78/3A and 78/3A2 are two different land areas and sale deed for Sl.No.78/3A2 has not been shown to the Committee though the Tahsildar statement shows that Survey No.78/3A2 is in the name of the Trust. Further no original approved building plan was shown to the committee and original khasra plan was not produced before the committee to ascertain sub division of the survey Nos. and further the petitioner institution requested for six weeks time to produce all the original documents as furnished by the Respondent and as such the Standing Complaint Committee recommended to ascertain from the original documents and recommended to give six weeks time to produce the documents."

The second impugned order was the consequential of the first order on the basis of the same grounds.

11 The learned Single Judge considered the entire facts at length and also examined the submissions advanced by the learned counsel appearing for the parties. While dismissing the writ petitions, it was observed as under :

"14.As already pointed out, the Standard Appellate Committee, in its meeting held on 04.09.2014, has pointed out certain deficiencies pertaining to sub-division of land in S.No.78/3A into S.Nos.78/3A1

and 78/3A2 as well as non approval of the competent authority with regard to building plan and according to the petitioner, all the deficiencies pointed out have been rectified and inspite of it, the impugned orders came to be passed. A perusal of the impugned orders, which are the subject matter of challenge in these writ petitions, would disclose that many opportunities have been given to the petitioner institution to put forth their version and the deficiencies appear to be narrowed down the subdivision of the land as well as seal of approval, which has been put on the rear side of the plan. If the petitioner institution is sure of the fact that they have complied with all the deficiencies, they may approach the concerned authority for re-inspection, subject to compliance of norms/regulations. 15. This Court has also taken note of the submission made by the learned Senior Counsel appearing for the first respondent that whatever copies of the documents/reports relied upon by the first respondent while reaching the conclusion have been furnished to the petitioner and reasonable opportunities of hearing was also afforded to the petitioner institution by granting them very many adjournments, but they did not avail the same. This Court, on going through the typed set of documents filed by the first respondent as well as the impugned orders, is of the view that a fair and reasonable opportunity has been afforded to the petitioner institution to put forward their case. The points urged on behalf of the petitioner mainly pertain to sub-division of S.No.78/3A, location of the building and building plan approval and if the petitioner is confident and sure of their stand that they have complied with all deficiencies and is having tenable reasons, they are free to approach the concerned authorities for re-inspection.

16. The Hon'ble Supreme Court of India in very many decisions held that in case of absence of infrastructure facilities and other requirements stipulated under relevant statutes, withdrawal of recognition would be justified and the students cannot be allowed to continue in such unrecognized institutions solely on the basis of sympathetic considerations. The points urged by the petitioner also involve disputed questions of fact and as such, this Court is not in a position to adjudicate the same."

12 Mr.N.R.Chandran, learned Senior Counsel with Mr.R.Kannan, learned Advocate appearing for the appellant in W.A.No.989 of 2015 would contend that the appellant did not have proper opportunity to produce the latest Khasra plan showing clear division of S.No.78/3A as S.Nos.78/3A1 and 78/3A2, latest land use certificate for S.No.78/3A2 admeasuring 1.08 acres and approved building plan for S.No.78/3A2, as on 24th December, 2014 when the appellant appeared before the Standing Appellate Committee, the appellant was directed to produce the aforesaid documents before 3.00 p.m., which was practically impossible for want of time. It was further contended that the appellant was not furnished a copy of the report of the SCC

and as such, the same vitiates the entire proceedings for non disclosure of preliminary report. To prop up his contention, Mr.N.R.Chandran, learned Senior Counsel relies on a decision of the Supreme Court in Automotive Tyre Manufacturers Association Vs. Designated Authority and others¹.

13 On the disputed facts, it was pointed out by learned Senior counsel that the Trust owned 13.87 acres of land. The S.No.78/3A admeasuring 1.08 acres of land was settled in favour of the Trust by sale deed dated 18th March, 2008. Thereafter, the land was sub divided into S.Nos.78/3A1 and 78/3A2. S.No.78/3A1 admeasures 0.95 acres. The recording in the impugned order dated 16th January, 2015 by the AICTE in paragraph 20 that S.No.78/3A2 is 1.48 acres is erroneous as Rs.1.48 was the kist, not the measurement of the land. It was 1.08 acres.

14 It is lastly urged that on flimsy grounds like the aforestated, the AICTE ought not to have withdrawn the approval granted earlier, relying on a decision of the Bombay High Court in Mahatma Education Society's Pillai's Institute of Technology, Engineering, Media Studies & Research Vs. All India Council for Technical Education & Ors in W.P.No.6021 of 2014. It is also contended that the subsequent contention raised by the learned Senior Counsel for the respondent AICTE that the plans sanctioned by the competent authority was not valid is untenable as the same was not one of the grounds enumerated in the impugned order withdrawing the approval granted earlier. To buttress his contention, he relies on a decision of the Supreme Court in Mohinder Singh Gill Vs. Chief Election Commissioner².

15 Finally, it was urged that the consequential order of withdrawal of approval for the academic year 2014-15 by the impugned order dated 30th April, 2015 also deserves to be quashed.

16 Mr.Raghavachari, learned counsel appearing for the appellant in W.A.No.990 of 2015, while reiterating the identical contentions as raised by the learned counsel appearing for the appellant in other appeal, additionally, would contend that it was a clear case of violation of principles of natural justice as the respondent AICTE failed to furnish a copy of the report of the original and Appellate Standing Committee and afford an opportunity of being heard, to the appellant, which vitiates the entire proceedings. He relies on, in support of his contention, the decisions of the Supreme Court in State of U.P. Vs. Mohd. Sharif (dead) through L.Rs.³, and M/s.Kishinchand Chellaram Vs. The Commissioner of Income-Tax, Bombay City II, Bombay⁴. It is further urged that the appellant has produced all requisite documents as required by the Committee in its hearing

2 AIR 1978 SC 851.

3 AIR 1982 SC 937

4 AIR 1980 SC 2117

held on 4th September, 2014. But, at no point of time, the appellant was called upon to produce latest documents, as required in the last date of hearing, i.e., 24th December, 2014.

17 The second contention of the learned counsel is that the appellate Standing committee lacks jurisdiction to pass the impugned order. Under Regulation 4.28 of the All India Council for Technical Education (Grant of Approvals for Technical Institutions) Regulations, 2012 (for short "Regulations 2012"), the respondent Council is empowered to make inspections with or without notifying dates in such cases where specific complaints of falsification of documents, misrepresentation, violation of norms and standards, mal practices and take appropriate actions, including withdrawal of approval and any other action deemed necessary against the applicant promoters / technical institutions, as the case may be. Under Section 12 of the All India Council for Technical Education Act (for short "AICTE Act"), the "Executive Committee" constituted under the Act is entitled to take a decision on the subject. However, such institution, under Regulation 5.1 of the Regulations 2012, is entitled to question the same by way of an appeal before the appellate committee. In the case on hand, the decision of the SCC was straight away referred to the appellate committee without any authority of law and the final decision was taken by the appellate authority without affording an opportunity of hearing. Such exercise is contrary to the provisions of the Act read with the aforestated Regulations. It is also urged that the appellate committee comprises of the same members, who constituted the SCC and as such, the entire exercise was futile amounting to a nullity.

18 The learned counsel, in support of this contention, relies on a decision of the Supreme Court in Centrotrade Minerals & Metals Inc. Vs. Hindustan Copper Ltd.⁵.

19 The learned counsel further submits that the action to withdraw the approval was taken in haste, which itself smacks of malafides, arbitrariness and contrary to the established principles of natural justice, as held by the Supreme Court in Automotive Tyre Manufacturers Association (supra). The appellant was deprived of right to appeal, which offends Article 21 of the Constitution of India. To bolster, his argument, he relies on decisions of the Supreme Court in A.R.Antulay Vs. R.S.Nayak and another⁶ and Dilip S.Dahanukar Vs. Kotak Mahindra Co. Ltd. and another⁷.

20 It is also the contention of the appellant that denial of proper representation through counsel is also violative of constitutional guarantee of fair hearing, as held by the Supreme Court in Board of Trustees of the Port of Bombay Vs. Dilipkumar

5 (2006) 11 SCC 245

6 (1988) 2 SCC 602

7 (2007) 6 SCC 528

Raghavendranath Nadkarni and others⁸. The entire decision was taken in view of the unproven news item published in the news paper. The entire exercise was not done in the manner prescribed under the provisions of the Act and Regulations and as such, the same is a nullity.

21 In opposition, Mr.A.R.L.Sundaresan, learned Senior Counsel appearing for M/s.A.L.Gandhimathi, learned Advocate for the AICTE would contend that the sale deed produced before the respondent indicates only S.No.78/3A admeasuring 1.08 acres only. No other sale deed or document indicating the sub division of S.Nos.78/3A into S.Nos.78/3A1 (0.05 acres) and 78/3A2 (1.08 acres) was produced. Even if the total measurement of the land after division is taken into consideration, the same exceeds the total measurement of S.No.78/3A. The institution has produced the building plan said to have been approved by the Panchayat in the year 2008 in respect of S.No.78/3. However, the letter from the President, Thimmapuram Panchayat dated 17th June, 2014 clearly states that there was no such resolution passed in the year 2008 and the plan was approved on 12th March, 2009 only in respect of S.No.78/3.

22 It is further urged that under the Tamil Nadu Panchayat Building Rules, the Panchayat is not competent to grant approval without consulting the concerned Joint Director or the Deputy Director of Town and Country Planning Department. The said plan dated 12th March, 2009 bears the endorsement of the present President of the Panchayat G.Umarani dated 19th May, 2015 that the patta was granted to the trust by the Tahsildar on 6th April, 2015 for S.No.78/3A2 to an extent of 1.08 acres. In the case on hand, after affording proper opportunity of hearing on several occasions, as the last hearing being 24th December, 2014, the impugned orders were passed on 16th January, 2015 and 30th April, 2015. The aforesaid approval and the grant of patta was on subsequent dates. The appellant has not produced any document in respect of S.No.78/3A2. The first notice was issued to the appellant by the SCC on 21st July, 2014 for the proposed hearing on 24th July, 2014. Thereafter, adjournment was granted time and again on the request of the appellant for hearing on 04th September, 2014, 26th November, 2014 and the last hearing on 24th December, 2014. A recommendation was made by the Standing Appellate Committee after hearing the matter at length, on the basis of which the impugned orders were passed and as such the allegation of violation of principles of natural justice is without any basis.

23 It is lastly contended that the learned Single Judge had granted liberty to the appellant to approach the respondent authorities for re-inspection and consideration of the case, as permissible under law.

8 AIR 1983 SC 109 = (1983) 1 SCC 124.

24 Heard the learned counsel for the parties, perused the pleadings and documents appended thereto.

25 Indisputably, the other institution run by Archana Educational and Charitable Trust, namely Archana Polytechnic College was put under lock and seal by the Commissioner of Directorate of Town and Country Planning on account of submissions of bogus plan. The respondent authority, having noticed the aforesaid fact, sought for information from the concerned Sub Divisional Magistrate and also requested the local counsel to make a search in the office of the Joint Sub Registrar, Krishnagiri for verification of documents. In the above backdrop, a doubt cropped up in the mind of the respondent authority. Accordingly, a show cause notice was issued on 21st July, 2014, calling upon the appellant to appear before the SCC on 24th July, 2014 along with all relevant documents to put up its case. A proper representation was made through an Advocate. On the request of the learned Advocate, four weeks time was granted to collect information and to produce the same before the next date of hearing. The next date of hearing was fixed on 4th September 2014 for which, a proper communication dated 6th August, 2014 was sent to the appellant. The appellant was also given a copy of the clippings of "the Hindu" and a copy of the search report. Again on 4th September 2014, the hearing was adjourned to 26th November, 2014, for which one more communication was sent vide notice dated 21st November 2014. The appellant further sought for four weeks time to submit a detailed response, which was granted and the case was fixed for hearing on 24th December, 2014. A separate notice for the said date of hearing was also sent on 3rd December, 2014.

26 The grievance of the appellant is that on the date of hearing, the appellant was asked to produce the latest khasra plan showing clear division of S.No.78/3A as S.No.78/3A1 and 78/3A2, latest land use certificate for S.No.78/3A2 admeasuring 1.08 acres and approved building plan on S.No.78/3A2, which were not available with the appellant and the time given by the Committee till 03.00 p.m. was insufficient to produce the same. The grievance of the appellant that proper opportunity of hearing was not afforded and as such, it amounts to violation of principles of natural justice is noted to be rejected. The appellant was given ample opportunity to produce all documents. It was for the appellant to produce all relevant documents to establish that the institution is having land in its lawful possession with clear title in the name of promoted Trust before the date of submission of the application as prescribed under Regulation 6 of the Regulations 2012.

27 The other contention is that the SCC as well as the appellate committee have not understood the facts properly and the indication of 1.48 acres in S.No.78/3A2 was erroneous. The confusion is created by the documents produced by the appellant itself. Under original S.No.78/3A, the total extent of land was shown as 1.08 acres. After purported sub division of the said land into

S.Nos.78/3A1 and 78/3A2, the extent of land in S.No.78/3A1 was shown to be 0.95 acres and S.No.78/3A2 was 1.08 acres. Even if it is not 1.48 acres, which according to the appellant is kist, the total measurement of both lands is much more than what has been indicated under the original S.No.78/3A. Thus measurement of both sub-divided lands itself creates confusion and doubt in respect of the title and ownership of the land in question. Resultantly, we do not find any error in the finding of the Standing Appellate Committee that the appellant has failed to produce required documents to establish its ownership and title.

28 The next question which arises for our consideration is as to whether there is violation of Regulation 5.1 of Regulations 2012, as pleaded by the learned counsel for the appellant. Regulation 5.1 prescribes that an institution aggrieved by the decision of the executive committee of the council may be permitted only one opportunity to file appeal before the appellate committee. In the case on hand, the SCC comprises Chairman, one academic expert and an architect, which had heard the matter on 24th July, 2014, 04th September 2014. Thereafter, the subsequent hearing took place before the Standing Appellate Committee on 26th November, 2014 and 24th December, 2014. The members of the committee were one and the same. It seems to be the case of change of nomenclature of the committee. The subsequent Standing Appellate Committee is neither the appellate authority nor had taken any decision on the basis of the report of the SCC comprising the same members. Thus, the plea raised by the appellant that the appellant had lost opportunity of appeal is noted to be rejected. Regulation 5.1 provides for filing of an appeal before the appellate authority against the decision of the executive committee, not of the SCC.

29 The contention of the learned counsel for the appellant that non supply of the report of the SCC to the petitioner vitiates the entire proceedings is also noticed to be rejected. The appellant had participated in the hearing held on various dates as aforesaid. The appellant was supplied with a copy of the clippings published in "The Hindu" and also a copy of the search report. The appellant was duly informed that the documents submitted by the appellant in respect of the title and lawful ownership of the premises in question was under consideration on account of certain informations received from the different authorities. This fact was in the knowledge of the appellant and accordingly, the appellant was given opportunity of hearing on various dates, i.e., on 24th July, 2014, 4th September, 2014, 26th November, 2014 and lastly on 24th December, 2014 and as such, the appellant ought to have been prepared to produce all relevant documents to establish its title, ownership and lawful possession, which the appellant had miserably failed. The decision taken by the authorities and communicated by the impugned orders are not deficient and also do not suffer from any infirmities on the ground raised by the appellant herein-above. Thus, the decisions referred and relied on by the learned counsel appearing for the

appellant are not relevant to the facts of the case. There was no haste decision as pleaded, as the appellant was given opportunity of hearing to produce relevant documents and place its case right from 24th July, 2014 till 24th December, 2014, the day of last hearing.

30 The other plea of violation of constitutional provision as enshrined under Article 21 of the Constitution of India and also denial of proper representation built up on the same premises, as aforementioned, are unsustainable in the eye of law in the facts of the case.

31 In Mohinder Singh Gill (supra), the Supreme Court has held that the validity of the order passed by the statutory authority must be judged by the reasons mentioned in the order and the same cannot be supplemented by fresh reasons in the shape of affidavit. In the case on hand, even if the contention of the learned Senior counsel appearing for the AICTE in respect of the validity of the approval granted by the Village Panchayat is ignored, there are sufficient reasons indicated in the impugned orders to justify the decision for withdrawal of the approval granted earlier and as such, the impugned order cannot be faulted on the ground of subsequent reasons raised by the learned Senior counsel for the respondent in the course of the hearing.

32 In Kishinchand Chellaram (supra), a dispute arose under the provisions of the Income Tax Act, wherein it was held that no conclusion could have been raised on the basis of unsupported statement of the Manager based on hearsay. In the case on hand, all facts and reasons stated by the respondent Committees are based on substantial documents, which were not refuted by the appellant in the hearing.

33 In State of U.P. Vs. Mohd. Sharif (dead) (supra), the dispute arose from the departmental enquiry, wherein preliminary enquiry report was not furnished and as such it was held that the delinquent had no opportunity to defend himself during the enquiry. In the case on hand, all recommendations were made after affording opportunity of hearing to the appellant and as such, the said ratio will not be applicable to the facts of the case.

34 Centrotrade Minerals & Metals Inc. (supra) arose from the dispute arising under the provisions of the Arbitration and Conciliation Act, 1996 and as such, the same is not applicable to the facts of the case.

35 The other cases referred and cited by the appellant are of no assistance to the appellant in the facts of the case. We are not inclined to deal with each and every case at length, as not relevant for the issue involved in the case on hand.

36 For the reasons and analysis mentioned herein-above, we do not find any merit in the appeals. Accordingly, both writ appeals are dismissed, reserving liberty to the appellant to approach the authority afresh with complete documents as observed in the impugned order rendered by the learned Single Judge in the writ petitions. No order as to costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Advisor-I (Approval),
All India Council for Technical Education,
7th Floor, Chanderlok Building,
Janpath,
New Delhi-110 001.
- 2.The Registrar,
Anna University of Technology,
Guindy, Chennai-600 025.

+1 cc to Mr.M.Vijayakumar Advocate sr.40679
+5 cc to Mr.R.Kannan Advocate sr.40714

सत्यमेव जयते W.A.Nos.989 and 990 of 2015

vsn(co)
aa06/08/2015

WEB COPY