IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 18-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.14620 OF 2015

Vethamonickam Memorial
CSI Polytechnic College.
Viricode, Marthandam,
Vilivancode Taluk,
Kanyakumari District,
rep.by its Chairman/Bishop,
Rt.Rev.G.Devakadasham. ... Petitioner

-vs-

1.All India Council for Technical Education,
7th Floor, Chandralok Building, Janpat,
New Delhi - 110 001,
rep.by its Chairman.

2.The Regional Officer,
Southern Regional Office,
All India Council for Technical Education,
Sastri Bhavan,
Chennai.

3.The Principal Secretary/Commissioner,
Directorate of Technical Education,
Guindy, Chennai-600 025.

4.The State of Tamil Nadu,
rep.by its Secretary to Government,
Education Department,
Fort St.George,
Chennai-600 009. .. Respondents

Writ Petition has been filed, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the impugned proceedings F.No.Southern/1-2487351331/2015/LOR-Chapter 2, dated 07.04.2015, and consequential proceedings, dated 30.04.2015, made in F.No.Southern/1-2487351331/2015/NO EOA of the first respondent, quash the same as null and void and consequently direct the first respondent to grant continuous approval for the academic year 2015-2016 for the petitioner college as well as directing the third respondent to grant continuous affiliation to the petitioner institution for the academic year 2015-2016.

For petitioner : Mr.V.Lakshminarayanan,
for Mr.C.Robert Bruce.

For respondents 1 & 2 : Mr.AR.L.Sundaresan,
Senior Counsel,
for M/s.AL.Gandhimathi.

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For respondents 3 & 4 : Mr.R.Vijayakumar,
Addl.Govt.Pleader.

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner would state that he is the Biship of CSI Kanyakumari Diocese, which is one of the 22 Dioceses under the control of Church of South India, and the Church of South India Trust Association owns and controls all the properties of CSI. It is further stated by the petitioner that the petitioner college is one of the colleges established and administered by CSI Kanyakumari Diocese and the application submitted by the petitioner for recognition was not considered by the first respondent, which was put to challenge in W.P.No.16187 and 16188 of 2009 and, this Court, by order dated 24.10.2009, held that CSI can establish educational institutions and, hence, directed the first respondent to consider the application of the petitioner and pass orders. According to the petitioner, the application of the petitioner was rejected by the first respondent on the ground that the planning permission given by the jurisdictional officer was not in order and, once again, the said order was challenged in W.P.No.11031 of 2011, whereupon the said order was quashed by this Court vide order, dated 15.06.2012.

3. The specific case of the petitioner is that the petitioner institution was granted recognition for the academic year 2013-2014, pursuant to which, the institution has also admitted the students for the academic year 2014-2015 and, thereafter, the petitioner has received a copy of the impugned proceedings of the first respondent, dated 07.04.2015, addressed to the third respondent, stating that since the title deeds stand in the name of the individual and not in the name of the college/CSI Trust Association, the extension of approval for the academic year 2015-2016 cannot be granted to the petitioner college, and challenging the legality of the said order, the present writ petition has been filed.

4. Learned counsel for the petitioner has invited the attention of this Court to the typed set of documents and would submit that the title deeds would disclose that on behalf of CSI, Bishop has signed the documents and, therefore, it cannot be construed that the properties stand in the name of Bishop of CSI Kanyakumari Diocese, which fact has not been taken into consideration by respondents 1 and 2 before passing the impugned order, and prays for interference.

5. On the other hand, Mr.AR.L.Sundaresan, learned Senior Counsel, appearing for respondents 1 and 2, has drawn the attention of this Court to the Conveyance Deed, dated 03.06.2009, and submitted that since the said deed contained the name of the Bishop, it was construed that the property stood in the name of the individual and, therefore, a decision was taken to reject the request of the petitioner for extension of approval of the college

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for the academic year 2015-2016 and, accordingly, prayed for dismissal of the Writ Petition.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. A perusal of the registered Conveyance Deed, dated 03.06.2009, would disclose that on behalf of Church of South India Trust Association only, the deponent of the affidavit, in his capacity as the Bishop, has signed the document. Further, the Land Conversion Certificate and the Land Usage Certificate, which are available at Page Nos.69 and 70 respectively of the Typed Set, would also indicate that the properties stand in the name of CSI Trust Association.

8. Therefore, in the considered opinion of this Court, the reason assigned by the first respondent in the impugned order and thereby rejecting the extension of approval for the petitioner college for the academic year 2015-2016 warrants interference.

9. In the result, the Writ Petition is allowed and the impugned proceedings, dated 07.04.2015, on the file of the first respondent, are quashed. The first respondent is directed to consider the application of the petitioner institution for extension of approval for the academic year 2015-2016, if the papers are otherwise in order, and pass orders after taking into account the observations made in this order, within a period of three weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner. No costs. Consequently, the connected M.P.Nos.1 to 4 are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

dixit

To
1.The Chairman.
All India Council for Technical Education,
7th Floor, Chandralok Building, Janpat,
New Delhi - 110 001,

2.The Regional Officer,
Southern Regional Office,
All India Council for Technical Education,
Sastri Bhavan,
Chennai.

3.The Principal Secretary/Commissioner,
Directorate of Technical Education,
Guindy, Chennai-600 025.

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4.The Secretary to Government,
State of Tamil Nadu,
Education Department,
Fort St.George,
Chennai-600 009.

1 cc to Government Pleader.Sr.No.30122
1 cc to Mr. M/s.AL.Gandhimathi. , Advocate Sr.No.30102
2 cc to Mr.C.Robert Bruce. , Advocate Sr.No.30009

W.P.No.14620/2015

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