

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17061 of 2015
and M.P.No.1 of 2015

The Chairman
Kumaran Institute of
Technology Near
Nandiambakkam Railway Station
Minjur Chennai.

... Petitioner

Versus

- 1 The Chairman
All India Council for
Technical Education
7th Floor Chanderlok
Building Janpath New
Delhi-110 001.
 - 2 The Principal Secretary
(Education Department) Government of
Tamilnadu Secretariat Fort St. George
Chennai-600 009.
 - 3 The Commissioner of Technical
Education Director of Technical Education
Government of Tamilnadu Chennai-600 025.
 - 4 The Registrar
Anna University
Guindy Chennai.
- ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, to call for the records of the first respondent in their processing F.No.Southern/ 1-774226501/2012-13/AB dated 30.04.2015 quash the same and consequentially to direct the first respondent to consider the petitioners application in No. 1/2479979897 dated 29.05.2015 for three courses namely Computer Science Civil Engineering and Mechanical Engineering with respect to the Academic year 2015-2016.

For Petitioner : Mr.M.L.Ramesh

For Respondents : Mrs.AL.Gandhimathi (for R1)

Mr.Rm.Muthukumar (for R2 & R3)

Government Advocate.

Mr.M.Vijayakumar (for R4)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The deponent of the affidavit is the Chairman of the petitioner institution and he would state that the said institution was started in the rural area to educate the children in the surrounding villages, who are hailing from poor and agricultural families and it was established during the year 2012-13. The petitioner would further state that it sought for approval from the 1st respondent after getting affiliated with the 4th respondent University. Inspection was conducted and approval was granted to run five courses viz., (1) B.Tech. (Computer Science & Engineering), (2) B.Tech. (Civil Engineering), (3) B.Tech. (Mechanical Engineering) (4) B.Tech. (Electronics & Communication Engineering and (5) B.Tech. (Electrical and Electronics Engineering). After the grant of approval on 10.05.2012 by the 1st respondent, superstructure has been put up and according to the petitioner, all facilities to run the five courses are on place.

3. It is further stated by the petitioner that for the Academic Year 2014-15, on account of sickness of the deponent of the affidavit and other unforeseen reasons and circumstances, the application for renewal through online was not submitted to the 1st respondent on time. Consequently, no approval was granted for the said Academic Year and no students were admitted also. However, the petitioner institution took a decision to run the institution for the next Academic Year and continued to employ the staff and faculties by paying salaries and also incurring administrative expenses.

4. The petitioner applied for renewal for the Academic Year 2015-16 and he also complied with all necessary formalities. However, the Regional Committee in its 60th Meeting held on 05.04.2015 at Chennai has made a recommendation for non extension of approval for the Academic Year 2015-16, citing the reason that no records are available regarding the admission made during the previous Academic Year.

5. It was the stand of the petitioner that when no application for extension of the approval was made and no students were admitted for the Academic Year 2014-15, submission of records, does not arise at all for consideration and the records relating to the petitioner institution were placed before the Standing Appellate Committee in its meeting held on 16.04.2015 and the representatives of the institution were also present. The said committee has recommended as follows:

"In view of deficiencies that are existing the college be put under "No admission category for 2015-16.

In view of mismatch between the documents that were shown before the SAC and the documents (land related) that are mentioned in scrutiny report dated 12.03.2015 and mismatch between the resolution, land document, land use certificate and in approval plans for the claimed and requisite amount of land, fresh scrutiny as per provision of APH as applicable is recommended."

6. Again inspection was conducted and the petitioner institution was granted opportunity to present its case before the Standing Appellate Committee in the meeting to be held on 26.04.2015 and the representatives were once again present and the committee noted 18 deficiencies and thereafter made the following recommendation.

"No documentary evidences provided indicating Removal of deficiencies. Hence Not Recommended. Extension of Approval for the Academic Year 2015-16, not to be given"

The said decision was communicated to the petitioner by the 1st respondent vide order dated 30.04.2015. Challenging the legality of the same, the present writ petition is filed.

7. Learned Counsel appearing for the petitioner would submit that at the earliest point of time, the only deficiency noted was about non availability of records regarding admission made during the previous academic year and subsequently, very many deficiencies were noted and the petitioner is yet to be furnished with the inspection report of the committee and therefore not in a position to day about the alleged deficiencies pointed out. It is further contended by the learned counsel appearing for the petitioner that though, as per the deficiency noted, laboratory area as per the required norms is 2640 sq.m, the petitioner is having 1800 sq.m and accordingly, the courses run by them may be reduced.

8. It is also contended by the learned counsel appearing for the petitioner that whatever deficiency pointed have been rectified fully and in this regard, he has submitted a detailed representation dated 29.05.2015 to the 1st respondent and it is yet to be favoured with any response and it would be suffice to direct the 1st respondent to consider and dispose of the said representation in accordance with law, within a stipulated time.

9. The Court heard the submissions of Mrs.AL.Gandhimathi, learned standing counsel appearing for the 1st respondent, Mr.Rm.Muthukumar, learned Government Advocate, appearing on behalf of 2nd and 3rd respondents and Mr.M.Vijayakumar, learned standing counsel, appearing on behalf of the 4th respondent.

10. Though, the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 1st respondent to consider the representation dated 29.05.2015, submitted by the petitioner, in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

11. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chairman
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Delhi-110 001.
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Government of Tamilnadu Chennai-600 025.
- 4 The Registrar
Anna University Guindy Chennai.

+1cc to Mr.M.L.Ramesh, Advocate, S.R.No.34051
+1cc to Mr.M. Vijayakumar, Advocate, S.R.No.34212
+ 1 cc to Mr.A.L. Ganthimathi, Advocate Sr.34486
+1cc to the Government Pleader, S.R.No.34725

JSV(CO)
EU(13/07/2015)

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