

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 6.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.NO.17293 OF 2015

Lord Venkateshwara Engineering College,
represented by its Chairman
G.Kesav Yada,
Puliambakkam,
Kancheepuram District

..Petitioner

Vs

1. The Registrar,
Anna University,
Chennai 600 025.

2. The Director,
Centre for Affiliation of Institution,
Anna University,
Chennai-25.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of certiorarified Mandamus to call for the records in LR No.275/CAI-Deficit colleges/AU/15 dated 15.05.2015 issued by 1st respondent and quash the same as illegal, arbitrary and an error on the face of the record and direct the respondents to give affiliation to the petitioner as per the sanction in letter dated 07.04.2015 granted by AICTE.

For Petitioner : Mr. R. Muthukumarasamy , Senior Counsel
for Mr. A. Jenasenan

For Respondents : Mr. M. Vijayakumar (for R1 and R2)
Standing counsel

ORDER

The petitioner has filed this writ petition praying for issuance of certiorarified Mandamus to call for the records in LR No.275/CAI-Deficit colleges/AU/15 dated 15.05.2015 issued by 1st respondent and quash the same as illegal, arbitrary and an error on the face of the record and direct the respondents to give affiliation to the petitioner as per the sanction in letter dated 07.04.2015 granted by AICTE.

2. Heard the learned Senior Counsel for the petitioner and learned Standing Counsel appearing for the respondents.

3. The petitioner is an existing college for which approval has been given by the AICTE for the academic year 2015-2016 for the named courses both Under Graduate and Post Graduate Divisions. A show cause notice was given on 20.4.2015 by the 1st respondent stating that the petitioner has not complied with the norms. The impugned order was passed on 15.5.2015 after consideration of the compliance report of the petitioner dated 29.4.2015.

4. In the impugned order, the intake sanctioned for the courses is reduced as they have not reached the criteria and norms evolved for the academic year 2015-2016. The following are the details of intake for the courses in petitioner's college;

Sl No.	Degree	Courses	Sanctioned Intake 2014-15	AICTE Sanctioned Intake 2015-16	Anna University Sanctioned Intake 2015-16
1.	B.E.	Civil Engineering	60	60	30
2	B.E.	Computer Science and Engineering	60	90	30
3.	B.E.	Electrical and Electronics Engineering	60	60	30
4.	B.E.	Electronics and Communication Engineering	120	120	60
5.	B.E.	Mechanical Engineering	60	60	30
6.	B.Tech.	Information Technology	30	90	15
7.	M.B.A.	Master of Business Administration	60	60	No Admission
8	M.C.A	Master of Computer Application	60	60	

Challenging the said order, the present Writ Petition is filed.

5. Pending Writ Petition, this Court passed an order directing the respondent to have a re-inspection. A re-inspection was conducted on 14.8.2015 and pursuant to the same, re-inspection report has been filed before this Court on 25.8.2015. The re-inspection report also shows certain deficiencies in the petitioner's college. The following are the deficiencies pointed out by the respondents in their re-inspection report;

Name of the College	Course	Course name	Faculty	Library	Laboratory	Class Room	Principal
Lord Venkatesh waraa Engineering College	B.E.	Civil Engineering	41	50	19	0	Eligible
	B.E.	Computer Science and Engineering	34	50	21	0	
	B.E.	Electrical and Electronics Engineering	25	50	21	0	
	B.E.	Electronics and Communication Engineering	28	50	12	0	
	B.E.	Mechanical Engineering	31	50	23	0	
	B. Tech.	Information Technology	19	50	48	0	
	M.B.A .	Master of Business Administration	25	50	33	0	
	M.C.A .	Master of Computer Applications	33	50	37	0	

6. The agenda and minutes of the respondents produced by the learned counsel for the respondents speaks about the criteria followed qua-deficiencies ;

Category	Criteria
Existing Courses	A. Deficiency in Faculty Overall < 25%, Library < 25%, Laboratory < 25% and Class rooms < 20%
	B. Deficiency in Faculty Overall 25-35%, Library 25-50%, Laboratory 25-50% and Class rooms < 20%
	C. Deficiency in (any of the category) Faculty Overall > 35%, Library > 50%, Laboratory > 50% and Class rooms > 20%.

7. Accordingly, criteria has been assigned, based upon which, action has been recommended uniformly to all the institutes in the following manner;

Courses		Grade		Recommended Action
		After receipt of Inspection Report	After verification of Compliance Report	
G	U	C	C	50% reduction in intake
		C	B	25% reduction in intake
		B	B	25% reduction in intake
PG		C	C	No admission status for the Courses
		C	B	
		B	B	

8. The learned Senior Counsel appearing for the petitioner primarily contended that there is no power or authority that lies with the respondents to reduce the intake as the field is occupied by the Central Legislation. Thus only AICTE has got power and even assuming that there are certain deficiencies, the only course open to the respondent is to point out the same to the said Central

Authorities and to substantiate the same, reliance has been made on the decision of the Apex Court reported in (2000) 5 Supreme Court Cases 231 (Jaya Gokul Educational Trust Vs. Commissioner and Secretary to Government Higher Education Department).

9. The learned Senior Counsel appearing for the petitioner also submitted that even otherwise, as per the re-inspection report and the norms that are being followed by the respondents as seen from their agenda and minutes referred above, except for Civil Engineering, for all other courses including Post Graduate Courses, the petitioner would come under the category 'B' and therefore, the order impugned cannot be sustained to that effect and at best the respondents can reduce the intake accordingly.

10. Learned counsel appearing for the respondents submitted that the decision relied upon by the learned Senior Counsel for the petitioner has to be applied to the facts of this case. It is a case of affiliation. Inspection was done to verify the compliance of the norms fixed by AICTE. Thus the ratio laid down by the Apex Court in its judgment reported in (2013) 3 Supreme Court Cases 385 (Parshavanth Charitable Trust and others Vs. All India Council for Technical Education and others) has to be complied with. He has further submitted that the re-inspection report cannot be the basis.

11. Coming to the legal issues involved, as rightly submitted by the learned counsel for the respondents, the decision reported in (2000) 5 Supreme Court Cases 231 (Jaya Gokul Educational Trust Vs. Commissioner and Secretary to Government Higher Education Department) would not have any application, since it has to be understood in the context in which it has been stated. In other words, there is no question of affiliation by the respondents involved therein, as the role of the University was very much limited.

12. On a perusal of the regulation governing the courses, the respondents are well within their powers to take appropriate action including the redemption of seats based upon the factual premise that the norms fixed by AICTE have not been complied with. Thus the regulation for grant of affiliation itself provides for such a power.

13. The only question is on the application of doctrine of proportionality which has been accepted by the Courts in India by adopting it as an improvement of doctrine of unreasonableness. There is no dispute on facts before us. Except the course of Civil Engineering, the petitioner would certainly come under the purview of Category 'B'. Having

seen the norms prescribed, re-inspection has been ordered by this Court in view of the dispute raised. As it was done by the respondent University, there is no dispute on that. This Court can safely rely upon the decisions cited for molding the relief sought for.

14. Accordingly, the writ petition stands ordered by setting aside the order impugned. Consequently, the respondents are directed to pass appropriate orders by making 25 % reduction in the sanctioned intake made by the AICTE for all the courses except B.E., Civil Engineering and insofar as for B.E., Civil Engineering is concerned, the respondents can pass an order deducting 50% intake as only 'C' grade has been achieved for the said course. Appropriate orders will have to be passed within a period of four weeks from the date of receipt of a copy of this order.

15. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

msr

To

1. The Registrar,
Anna University,
Chennai 600 025.

2. The Director,
Centre for Affiliation of Institution,
Anna University,
Chennai-25.

+1 CC to MR.A. Jenasenan Advocate. SR.NO. 61706

+1 CC to MR.Vijayakumar Advocate. SR.NO. 61851

W.P.No.17293 of 2015

AR-IV

JD 23/11/2015