

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.12.2015

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THE HONOURABLE MR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

W.A. No. 1997 of 2012

1. All India Council for
Technical Education, Rep. by its
Member-Secretary,
7th Floor, Chander Lok Building,
Janpath, New Delhi-110 001.
- 2.The Regional Officer,
Southern Regional Office,
All India Council for Technical Education,
Sastri Bhavan, 26, Haddows Road,
Nungambakkam, Chennai-600 034. ...Appellants/Respondents

Vs.

Sri Pranathi Educational and
Charitable Trust,
Rep. by its Chairman,
25/11, Kamaraj Street,
Mahalingapuram,
Pollachi-642 002. ... Respondents/Writ Petitioner

Prayer: Appeal filed under Clause 15 of Letters Patent to set aside the order dated 20.07.2012 passed in W.P.No.16777 of 2012 preferred under Article 226 of the constitution of India payment for the issue of a writ of certiorarified Mandamus to calling for the records of the 1st respondent relating to its order in F. No. Southern/ 2012/1-740008791-LOR dt 26.6.2012 and quash the same and directing the 1st respondent herein to forthwith reconsider the application of the petitioner in 1-740008791 for starting of a new polytechnic institution in the name and style Sri Pranathi Polytechnic College at No. 141/1C Mettupalayam Village Kovilpalayam Post Pollachi Taluk Coimbatore District for the academic year 2012-13.

For Appellant : Mr. AR.L.Sundaresan, Senior Counsel
for M/s.AL.Ganthimathi
For Respondents : Mr.Doraisamy, Senior Counsel
for M/s.Muthumani Doraisamy

JUDGMENT

(Order of the Court was made by S.TAMILVANAN, J.)

Challenging the order dated 20.07.2012 made in W.P.No.16777 of 2012 by the learned Single Judge, the Writ Appeal has been preferred by the respondents therein.

2. Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the appellants/respondents drew the attention of this Court to the impugned order and submitted that the application furnished by the writ petitioner was rejected since there was no proper guidelines to be followed and getting approval from All India Council for Technical Education. However, as per the impugned order, learned Single Judge allowed the writ petition in W.P.No.16775 of 2012 dated 20.07.2012 and directed the appellants herein to grant approval for starting a new Polytechnic Institution for the Academic Year 2012-13 and to grant necessary approval within 10 days from the date of receipt of the impugned order and communicate the same to the petitioner without fail. The direction is available in the impugned order in paragraphs 15 and 16.

3. Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the appellants submitted that as per the impugned order, a positive direction has been given which is not legally sustainable. Had there been a direction to consider the application, the respondent/writ petitioner would have obtained permission after compliance of the requirements. However, Mr. M. Doraisamy, learned Senior Counsel appearing for the respondent submitted that the building and other infrastructures were available as per the guidelines. However, on the ground of improper library facilities, the request was rejected.

4. Learned Single Judge passed the order, considering the welfare of the students of the Polytechnic Institution. However, learned Senior Counsel appearing for the respondent submitted that the respondent/writ petitioner be permitted to file a fresh application seeking permission and the same to be considered by the appellants for the Academic Year 2016-17.

5. Having considered the submissions made by both the learned counsel, we find it just and reasonable to pass such an order since the Academic Year is over. On the aforesaid circumstances, we permit the respondent/writ petitioner to approach the appellants and submit proper application in a proper format for seeking approval and if it is filed, the appellants shall dispose of the same in accordance with law, without causing any delay.

With the above direction, the Writ Appeal is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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+ 1 cc to M/s. A.L. Ganthimathi, Advocate Sr.65687

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