

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.4385 of 2015
and
M.P.Nos.1 and 2 of 2015

J.K.K.Nataraja College of Pharmacy,
Represented by its Chairperson,
Natarajapuram, NH-644 (Salem to Coimbatore),
Kumarapalayam, Namakkal District,
Tamil Nadu - 638 183. Petitioner

- Vs -

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

2. The Regional Officer,
All India Council for Technical Education,
Shastri Bhawan 26, Haddows Road,
Chennai- 600 006.

3. The National Board of Accreditation,
Represented by its Member Secretary,
NBCC Place, East Tower, 4th Floor,
Bhisham Pitamah Marg,
Pragati Vihar, New Delhi-110 003. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records of the 1st respondent in the Approval Process Handbook (2015-16), in particular Clause 3 of Chapter II, quash the same and direct the respondents to permit the petitioner to apply for increase in intake in the B.Pharm course from 60 seats to 120 seats for the academic year 2015-16 and process the same as per the Approval Process Handbook (2013-2014) without insisting on NBA accreditation.

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

For Respondents :Mrs.A.L.Gandhimathi

O R D E R

Heard the learned Senior counsel for the petitioner as well as the learned counsel appearing for the respondents.

2. The issue involved in this Writ Petition is no longer res integra. The case of the petitioner is that its application for increase in intake in the B.Pharm course for the academic year 2015-16 has to be processed as per the Approval Process Handbook (2013-2014) without insisting on NBA accreditation.

3. Considering the same issue, the Hon'ble Apex Court in I.A.11 & 12 in petition for Special Leave to Appeal (C) No(s).7277 of 2014, by an order dated 27.04.2015 was pleased to pass the following order:

"I.A.No.12 of 2015

IA no.12 of 2015 has been filed with the prayer (a) as follows:

"permit the AICTE to process all applications of technical institutions for extension of approval, variation to intake, new courses, establishment of new technical institutions etc. In accordance with the new AICTE Approval Process Handbook (2015-2016).

There is no opposition. Accepting the reasons given in the application, IA no.12 is allowed. However, it is clarified that if the institutions have to approach for enhancement/variation of intake, it should approach through National Board of Accreditation (NBA)."

4. Thus, the said order would govern this case as well.

5. The learned Senior Counsel appearing for the petitioner has submitted that the application has been made by the petitioner for the increase in intake in B.Pharm degree course for the academic year 2015-2016 in the month of February 2015. Therefore, the third respondent may be directed to consider the same within a reasonable time.

6. Considering the same, without going into the merits of the case, a direction is issued to the third respondent to pass appropriate orders on the application, said to have been made by the petitioner within a period of six weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

arr
To

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

2. The Regional Officer,
All India Council for Technical Education,
Shastri Bhawan 26, Haddows Road,
Chennai- 600 006.

3. The National Board of Accreditation,
Represented by its Member Secretary,
NBCC Place, East Tower, 4th Floor,
Bhisham Pitamah Marg,
Pragati Vihar, New Delhi-110 003.

4 cc to Mr.A.Jenasenan , Advocate Sr.No.52958, 52759.
1 cc to Mrs.AL.Gandhimathi, Advocate Sr.No.52688

W.P.No.4385 of 2015
and
M.P.Nos.1 and 2 of 2015

pur(co)
pmk.5.10.2015

WEB COPY