



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) .No.2140 of 2015

and

M.P. (MD) Nos.1 to 3 of 2015

and

Cont.P (MD) No.224 of 2015

W.P. (MD) .No.2140 of 2015

Narayanaguru International Institute
of Science & Technology (Trust),
Chittadavu, Manjalumoodu, Arumana P.O.,
Kanyakumari District - 629 151
Rep.by its Founder
Trustee & Chairman

:Petitioner

vs.

- 1.All India Council for Technical Education,
7th Floor, Chanderlok Building,
Janpath, New Delhi - 110 001.
Rep.by its Member Secretary.
- 2.The Southern Regional Officer,
All India Council for Technical Education,
Shastri Bhavan, 26, Haddows Road,
Nungambakkam, Chennai - 600 006.
- 3.The State of Tamil Nadu,
Rep.by its Secretary,
Department of Higher Education,
Fort St.George, Chennai - 600 009.
4. The Commissioner of Technical Education,
Guindy, Chennai - 600 025.
- 5.The Anna University,
Rep.by its Registrar,
Chennai - 600 025

6.V.Aravind

<https://hcservices.mca.gov.in/hcservices/>

8.R.Adarsh

9.P.Arjun



10.P.Gokul Kishore
 11.B.R.Abijith
 12.N.Gokul Krishnan
 13.A.Bejoy Amalraj
 14.M.S.Midhila

: Respondents

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* (R6 to R14 impleaded

vide order dated 13.08.2015 made in MP(MD)4/2015)

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 1st respondent AICTE in File No.1-750920053/SWS/UG/AB (Part file), dated 09.02.2015 (refusing Extension of Approval for the petitioner's college which is functioning over the past 12 years with approval since 2002), quash the same and further direct the 1st and 2nd respondents herein to give forthwith Extension of Approval to the petitioner's college from the academic year 2014-2015 onwards.

Cont.P(MD)No.224 of 2015

Narayanaguru International Institute
 of Sciene & Technology (Trust),
 Chittadavu, Manjalumoodu, Arumana P.O.,
 Kanyakumari District - 629 151
 Rep.by its Founder
 Trustee & Chairman

:Petitioner/ Petitioner

vs.

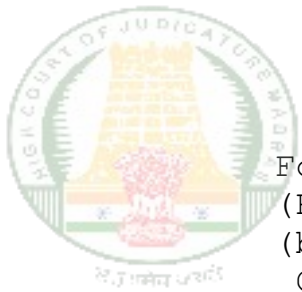
1.Shri. Avinash S.Pant
 Member Secretary (in-charge) cum Vice-Chairman
 All India Council for Technical Education,
 7th Floor, Chanderlok Building,
 Janpath, New Delhi - 110 001.

2.Shri Sunderesan
 The Southern Regional Officer,
 All India Council for Technical Education,
 Shastri Bhavan, 26, Haddows Road,
 Nungambakkam, Chennai - 600 006. Contemnors/ Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents herein for their deliberate and willful disobedience of the order of this Court, dated 25.11.2014 in Writ Petition (MD)No.17257 of 2014.

For Petitioner

:Mr.Isaac Mohanlal



For Respondents (R1 and R2) (both in WP and Contempt Petition) :Mr.AR.L.Sundaresan
Sr.Counsel for M/S.AL.GANDHIMATHI

For Respondents (R3 and R4) :Mr.V.R.Shanmuganathan
Spl.Govt.Pleader

For Respondent-5 :Mr.M.Rajarajan

For Respondents (R6 to R14) :Mr.Veera Kathiravan

COMMON ORDER

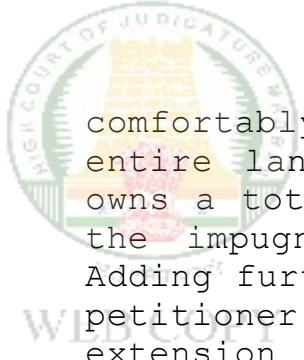
The Writ Petition is directed against the order dated 09.02.2015, passed by the All India Council for Technical Education, in any by which, the Council have decided the following, against the petitioner Institute.

"1.The deficiencies pointed out by AICTE persist. However, the party has submitted a representation, which is not relevant for the dispute raised.

2.As per the direction given by Madurai Bench of Madras High Court vide its order, dated 26.06.2014, we have given appropriate opportunity to the representative of the institution. In their submissions, they have submitted a representation explaining their position and requesting that some time may be given to them to make up the deficiency. However, in that representation, itself, they have admitted that the six blocks are not adjoining, but they are scattered, as shown in the Map. They propose to make the plots contiguous by purchasing the land which is lying in between the difference. As regards, approval of DTCP, they say that they have applied and will see that it is obtained.

3.The Committee explained to the representatives that they may make a fresh representation thereafter, as the Committee at present is considering whether the complaint against them is correct or not and the committee is of the opinion that till date, the deficiencies are persisting.".

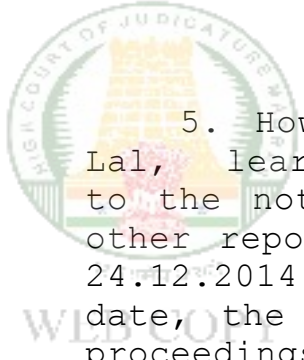
2. Mr.Isaac Mohanlal, Learned Counsel appearing for the petitioner would submit that the petitioner College established way back in the year 2002, has been continuously running the College with the approval of AICTE and no deficiencies with regard to the land was indicated by the AICTE at the time of continuing its recognition. However, the petitioner College has purchased a further extent of land, admeasuring 1.87 acres in Survey Nos.441/1, 441/2 and 441/3 of Puliyoorsala Village, which



comfortably connects the entire blocks of the lands and makes the entire land into one land. Therefore, when the petitioner now owns a total extent of 27.20 Acres, the deficiencies indicated in the impugned order relating to the land is highly untenable. Adding further, Mr. Isaac Mohanlal, would contend that, when the petitioner was aggrieved by the order, dated 20.08.2014, refusing extension of approval and came to this Court by filing a Writ Petition in W.P.(MD)No.17257 of 2014, on the ground that the earlier order passed by this Court, directing the AICTE to give a copy of the report, dated 14.06.2014, and thereafter, to give personal hearing to the petitioner, before passing any final order, has been completely overlooked by the AICTE and without complying with these directions, the Committee appears to have recommended for the withdrawal of the approval as per Chapter IV Section 8.1.4 of the Approval Process Handbook 2013-2014, which deals with institutions not fulfilling the prescribed built-up area whereas the petitioner had enough built-up area with infrastructure, the impugned order is wrong and untenable.

3. Inviting the attention of this Court to the earlier order passed by this Court in W.P.(MD)No.17257 of 2014, dated 25.11.2014, he has further submitted that, when M/s.AL.Ganthimathi, learned counsel appearing for the AICTE had produced a copy of the proceedings, dated 21.10.2014, agreeing to reconsider the petitioner's case afresh by the AICTE, after furnishing a copy of the report dated 14.06.2014, surprisingly, once again, without even furnishing copy of the report dated 14.06.2014 and without giving personal hearing by the AICTE, the petitioner was driven again back to the Standing Appellate Committee and till date the AICTE has not come forward to consider the case of the petitioner, by providing personal hearing to the petitioner. Adding further, he would submit that in any event, the order passed by this Court in W.P.(MD)No.10287 of 2014, dated 06.08.2014 and yet another order of this Court in W.P.(MD)No.17257 of 2014, dated 25.11.2014, directing the AICTE to furnish the copy of the report dated 21.10.2014 and give personal hearing to the petitioner, should be directed to be complied with. He has also further requested this Court to make it clear that the AICTE, while giving personal hearing, may be directed to proceed afresh without being influenced by any of the subsequent proceedings issued by the Standing Appellate Committee.

4. In reply, Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the AICTE submitted that the petitioner was furnished with copies of three reports viz., dated 8.6.2014 and 14.06.2014 and 24.07.2014, in compliance of the order passed by this Court on 6.8.2014 in W.P.(MD)No.10287 of 2014, therefore, it is not open to the petitioner to repeatedly complaint before this Court. He further submitted that the direction given by this Court to furnish the copy of the report, was not complied with.



5. However, swiftly responding to the same, Mr. Isaac Mohan Lal, learned Counsel appearing for the petitioner again brought to the notice of this Court that apart from these reports, two other reports viz., dated 14.08.2014 and the latest report dated 24.12.2014 have not been furnished. In addition thereto, till date, the AICTE has not provided the personal hearing, although proceedings have taken before the other committee viz., Standing Appellate Committee.

6. Agreeing to the request made by Mr. Isaac Mohan Lal, to furnish the rest of the reported dated 14.08.2014 and 24.12.2014, Mr. AR.L. Sundaresan, learned Senior Counsel has fairly submitted that the AICTE after providing these two reports viz., 14.08.2014 and 24.12.2014 to the petitioner Institute will also provide personal hearing to the petitioner and it is for the petitioner to participate before the AICTE, to clear the facts whether the defects indicated by them have been rectified to proceed further to consider the case of the petitioner for recognition.

7. Recording the statement made by Mr. AR.L. Sundaresan, the learned Senior Counsel, the AICTE is hereby directed to furnish the copies of the reports, dated 14.08.2014 and 24.12.2014 and thereafter to provide personal hearing to the petitioner and pass appropriate orders on merits and in accordance with law, without being influenced by any of the proceeding took place before the Standing Appellate Committee. Needless to mention that it is open to the AICTE to consider the case of the petitioner, on the basis of the hearing as ordered to take place before them, along with all other reports. Such exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

8. In the result, the Writ Petition is allowed to the extent indicated above, and the impugned order passed by the 1st respondent AICTE in File No.1-750920053/SWS/UG/AB (Part file), dated 09.02.2015, is quashed. In view of the order passed in the above Writ Petition, the contempt petition stands closed.

9. Mr. Veera Kathiravan, the learned Counsel appearing for the impleading parties viz., students, contended before this Court that, when the impugned order was passed by the AICTE on 09.02.2015 instructing the Narayanaguru International Institute of Science and Technology to transfer from students admitted for the academic year 2014-15 to other nearby approved institution as per the AICTE norms, most of the students had left the petitioner's institute and got admission in other institutions, therefore, in the event of the setting aside of the impugned order the rights of the admission secured by the students from other Colleges, shall not be affected. He has also submitted that after securing admission in other colleges from leaving the petitioner institute, the Commissioner of Technical Education, Chennai, the 4th respondent herein, has not come forward to approve the admission



of the students, as a result, they are facing huge problems in getting the Hall-tickets for writing the second year examination.

10. This Court finds merits on the submission made by Mr. Veerakathiravan, the learned counsel for the impleading parties. Therefore, this Court agrees with the request made by the learned counsel appearing for the students. Since they had already left the petitioner institution and secured admission in other colleges viz., Ponjesly College of Engineering, Kanyakumari District and Mar Ephraem College of Engineering and Technology, Elavuvilai, Marthandam, Kanyakumari District, Tamil Nadu, the 4th respondent is hereby directed to permit them to write their examinations, by issuing the Hall-tickets, as though they are the regular students of the College. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

MPK

To

1. The Member Secretary
All India Council for Technical Education,
7th Floor, Chanderlok Building,
Janpath, New Delhi - 110 001.
2. The Southern Regional Officer,
All India Council for Technical Education,
Shastri Bhavan, 26, Haddows Road,
Nungambakkam, Chennai - 600 006.
3. The Secretary, State of Tamil Nadu,
Department of Higher Education,
Fort St. George, Chennai - 600 009.
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5. The Registrar, Anna University,
Chennai - 600 025
6. Member Secretary (in-charge) cum Vice-Chairman
All India Council for Technical Education,
7th Floor, Chanderlok Building,
Janpath, New Delhi - 110 001.

+3 cc to M/S. ISAAC MOHANLAL, ADVOCATE SR NOS. 49407, 49404 & 49819

+1CC TO M/S. AL. GANTHIMATHI ADVOCATE SR NO. 49428

+1CC TO MR. VEERAKATHIRAVAN, ADVOCATE SR NO. 10429

W.P. (MD) No. 2140 of 2015

and

Cont.P (MD) No. 224 of 2015

26.08.2015