

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

**Writ Petition Nos.17944, 18029, 18032, 18272, 18295,
18315, 18348, 18358, 18362, 18371, 18387, 18392,
18403, 18433, 18595, 19932, 20087, 20129, 20151,
20165, 20359 and 21506 of 2015**

COMMON ORDER:

Heard Sri C.V. Mohan Reddy, learned senior counsel for petitioner in W.P.No.18595 of 2015 and Sri D. Prakash Reddy, learned senior counsel for the petitioner in W.P.No.18272 of 2015, the learned counsel for the petitioners in other writ petitions and Sri A. Abhishek Reddy, learned standing counsel appearing for the respondent-Jawaharlal Nehru Technological University of Hyderabad (JNTUH).

2. The counsel on both sides agreed for disposal of these writ petitions by passing a common order.

3. These writ petitions are filed by educational institutions imparting technical education and seeking affiliation from JNTUH for the academic year 2015-16.

The writ petitioners did not apply to the University within the prescribed time seeking affiliation but applied belatedly. They did not receive any communication from the University with regard to deficiencies on 09.06.2015 when deficiencies were communicated to several other colleges and when these colleges submitted to this Court that inspection was conducted for the academic year 2015-16 after submission of their applications, this Court while disposing of writ petition No.14743 of 2015 and batch, dated 12.06.2015 passed the following order by treating them as a separate batch of cases.

“It is the case of the petitioners that there was a computer problem in JNTUH on 6th and 7th June, 2015 as a result of which even though they have uploaded the necessary

applications on the said dates, they were not accepted by the system of the JNTUH on those particular two days. However, the institutions have submitted hard copies as an evidence of uploading the applications within the prescribed date. The JNTUH have also made inspection pursuant to the applications submitted by the petitioners, but the same is disputed by stating that the inspection conducted was for the academic year 2014/2015, but not 2015-16. This Court feels that the said fact cannot be verified by this Court at this juncture of time and it is left to the JNTUH to verify their records and if any inspection was conducted pursuant to the applications submitted by the petitioners within time either through online or by way of hand copy, they can communicate the respective institutions with regard to their decision under para 26.1.4 of the regulations for affiliation in order to enable the institutions to take further steps in accordance with para 26.1.15 of the Regulations.”

4. After receipt of the above said order, the University communicated to the colleges in this batch of writ petitions stating that they received applications for affiliation more than one week after the last date fixed for receipt of applications and since the applications were belated, no inspection was conducted for the academic year 2015-16.

It was also stated that the so-called inspection conducted after submission of applications in the month of June, 2015 relates to the academic year 2014-15 only. Though they considered some of the cases who submitted their applications within two or three days alleging that there was some computer problem while uploading the data online on 6th and 7th June, 2015, since the present batch of colleges uploaded the information after more than one week, applications for affiliation were rejected. The said contention of the University was tried to be repelled by showing the evidence of taking demand drafts for inspection within the prescribed time and indicating the particulars thereof in the online application submitted on a later date.

5. It is an admitted case of the parties that the University invited applications for affiliation by fixing the last date as 15.04.2015. The last date was extended from time to time and finally, it was extended to 07.05.2015.

6. As stated above, colleges covered by the present batch of cases did not submit their applications within the prescribed date. The contention of the learned counsel for the petitioners in this batch of cases is that there was a server problem in the University computer system, which disabled them from uploading the information on 6th or 7th May, 2015. In those circumstances, they submitted a hard copy of the information required for affiliation after one week or so, as there was no prescribed time for submission of hard copy. When this Court asked the learned counsel for the petitioners as to why the petitioners did not submit the information through hard copy immediately within two or three days from the last date even assuming that there was a problem in uploading, there was no reasonable explanation from the petitioners. The learned standing counsel for the University submitted that it is not as if the applications have to be submitted on 6th or 7th May, 2015 only, but had ample time of three weeks for submission of applications and in fact many applications were received by the University on 6th or 7th May 2015. In respect of the sister colleges of the petitioners, they submitted their applications within the prescribed date.

7. In the light of the rival contentions, it is difficult for this Court to investigate whether there was any computer problem on 6th or 7th May, 2015 and in any event, the petitioners could not show their bona fides by submitting the hard copy within a

reasonable time of one or two days thereafter. In fact, the University in its counter admits that it has considered the cases of colleges, who submitted their applications within two or three days. Hence, on this count, the arguments of the learned counsel for the petitioners cannot be entertained.

8. Some of the writ petitioners submitted that though they obtained the required demand drafts for affiliation on 07.05.2015 or earlier to that date, they could not submit applications due to computer problem only and their cases should be considered. If the cases of the petitioners who submitted their applications after one week of the last date fixed by the University is considered, there will be no sanctity to the date prescribed by the University and if any relaxation is given on any count, that relaxation should be extended indefinitely without having regard to the last date fixed by the University. Hence, this argument also should be rejected and accordingly rejected.

9. The next contention of the learned counsel for the petitioners is that the inspection was conducted in respect of colleges after receipt of applications for the academic year 2015-16, whereas the University strongly denies such contention. The University submits that inspection was conducted only for the academic year 2014-15 pursuant to the orders of this Court and that of the Supreme Court and in some cases the inspection team might have looked into the information furnished by the petitioners. In the absence of any evidence of inspection by the University team for the academic year 2015-16, it cannot be held that the inspection, if any that was made in the month of June, 2015 is for the academic year 2015-16.

10. Lastly, it is contended that since inspection is being conducted in respect of some colleges pursuant to the orders of

Division Bench in the Writ Appeals filed against the orders in W.P.No.19770 of 2015 and batch, dated 07.07.2015, University's interest would not be prejudiced if inspection is ordered to be conducted in respect of this batch of colleges also.

11. The Division Bench of this Court considered the validity of the orders passed by the learned single Judge in W.P.No.19770 of 2015 and batch, dated 07.07.2015, when those colleges applied within time but deficiencies were pointed out for granting affiliation. The petitioners in the present batch of cases do not stand on the same footing as that of the said batch. Hence, no direction can be given to the University or/and AICTE for conducting inspection for the academic year 2015-16 in this batch of cases.

12. Thus, these are the broad contentions considered in respect of this batch of cases, but since some of the learned counsel for the petitioners tried to impress upon this Court for interference of their cases, this Court is obliged to consider the following individual cases.

W.P.No.18362 of 2015:

13. Pursuant to the orders of this Court in W.P.No.16266 of 2015 and batch (supra), University communicated its decision on 19.06.2015 stating that the application for affiliation through hard copy was submitted on 18.05.2015 i.e., after 10 days of the last date of 07.05.2015. It was also stated that some applications under the same management of the petitioner-college were received on 6th or 7th May 2015 and hence, the allegation with regard to the computer problem for uploading of application is incorrect.

The University also by email dated 01.06.2015 informed that the

FFC inspection for verification of compliance of deficiencies pointed out for the academic year 2014-15 was scheduled on 03.06.2015. Before receipt of said communication, a letter was addressed by the college on 26.05.2015 informing the University for submitting the hard copy for the academic year 2015-16 through their communication dated 26.05.2015. In fact, the University by its letter, dated 11.04.2015, communicated its decision for closure of certain courses/reduction in intake. It is the case of the college that they submitted demand draft, dated 17.04.2015, for Rs.74,000/- along with their application seeking affiliation on 09.05.2015. In the column 38-payment of fees to the university in the application, the affiliation fee was stated to have been not paid and said amount of Rs.74,000/- is only towards inspection. There is an outstanding amount of Rs.3,75,000/- towards affiliation fee for the previous years. Further, a letter was addressed to the University on 29.05.2015 seeking visit of FFC and inspection for affiliation. It was followed by another letter dated 06.06.2015. Another letter was addressed by the college to the University on 18.06.2015 seeking grant of affiliation for the year 2015-16 pursuant to the alleged inspection conducted by FFC on 03.06.2015.

14. In the light of the above facts, it has to be seen as to whether the communication issued by the University on 19.06.2015 is with regard to the submission of application through hard copy dated 18.05.2015 and there was any problem of uploading of online application on 6th or 7th May, 2015.

15. No objection certificate was issued by the University for reduction of certain courses in intake on 11.04.2015 and the application seeking extension of affiliation was submitted on 09.05.2015 along with fee of Rs.74,000/-. It appears that an

inspection was conducted on 03.06.2015, but it is the case of the University that such inspection was for the academic year 2014-15. Even assuming that such inspection was for the year 2015-16, in view of the submission of application later to the cut off date, this Court is not inclined to allow the writ petition and is accordingly dismissed.

W.P.No.18295 of 2015:

16. Pursuant to the orders of this Court in W.P.No.16266 of 2015 and batch (supra), it was intimated that the hard copy was furnished on 30.05.2015 i.e., after 23 days after the last date. The college, in its communication dated 27.05.2015, clearly stated that they did not upload the complete data in their portal on 07.05.2015. Though they have uploaded the complete data in their portal on 07.05.2015, but did not press the submit button on misconception that the date would be extended so that they would make the last minute changes in the portal. They further stated that PDF form A-115 was generated on 08.05.2015 at 11.30 p.m. which shows that University is having the list of faculty. Accordingly, it submitted the hard copy on 27.05.2015.

17. On 01.06.2015 University sent a communication clearly stating that there would be inspection for the academic year 2014-15 on 03.06.2015. Thereafter, there was no communication filed to show that the college either requested for inspection for the academic year 2015-16 or any evidence to show that they submitted application within the prescribed time. In that view of the matter, the writ petition is liable to be dismissed and is accordingly dismissed.

W.P.No.18272 of 2015:

18. Pursuant to the orders of this Court in W.P.No.16266

of 2015 and batch (supra), it was stated that the hard copy of the application was received on 20.05.2015 i.e., 13 days after the last date. Though the prescribed fee was taken by way of demand draft on 07.05.2015, the acknowledgement of application filed by the educational society discloses that it was received by inward Assistant on 13.05.2015 and University now states that, that was received on 20.05.2015. The college addressed a letter on 27.05.2015 informing the University that though they have uploaded the online application form and when they were doing final verification, the online system was stopped and PDF application in the final form was generated. Thereafter, on 13.05.2015 University sent a communication through email that FFC inspection for verification of compliance of deficiencies was scheduled on 01.06.2015 for the academic year 2014-15. The college in its communication dated 30.05.2015 stated that the management complied with deficiencies pointed out by FFC and requested for grant of affiliation for the academic year 2015-16. It was also followed by another letter dated 06.06.2015.

19. In view of the admissions of the college in its communication dated 07.05.2015, be it 13.05.2015 or 25.05.2015, it cannot be said that the communication issued by the University on 19.06.2015 was incorrect. In view of the receipt of application dated 07.05.2015, which was acknowledged by 13.05.2015 and now stated by the University as 20.05.2015, the writ petition is liable to be dismissed and is accordingly dismissed.

W.P.No.18595 of 2015:

20. Pursuant to the orders of this Court in W.P.No.16266 of 2015 and batch (supra), it is stated that the hard copy was submitted on 20.05.2015 i.e., 13 days after the last date. The document filed along with the writ petition discloses that the

inspection fee was taken through demand draft on 13.05.2015 and the hard copy was submitted to the University on 15.05.2015 as per the acknowledgement issued by the University by receiving Assistant. In this case, the petitioner went to the extent of filing a letter dated 06.05.2015 indicating the date of demand draft as 13.05.2015 (post date) in order to show that the college submitted the application within the prescribed date.

The payment details mentioned in column No.37 of the application indicates the date as 06.03.2014 for a different amount of Rs.81,500/- other than the one for Rs.61,500/- mentioned in covering letter dated 06.05.2015. The college addressed a letter on 04.06.2015 to the University informing that they received email on 03.06.2015 regarding FFC inspection on 05.06.2015. But, no such copy of email alleged to have been received by the college on 03.06.2015 indicating the proposed inspection on 05.06.2015 is filed along with the papers in order to verify whether such communication was for academic year 2014-15 or 2015-16.

21. In the circumstances, in view of the wrong information furnished by the college in its application for permission indicating the payment of Rs.81,500/- with expired demand draft of 06.03.2014 and covering letter dated 06.05.2015, with a photocopy of demand draft dated 13.05.2015 for an amount of Rs.61,500/- seeking affiliation for the academic year 2015-16 and approaching this Court seeking extraordinary jurisdiction of this Court, this court is inclined to dismiss the above writ petition with costs. Accordingly, the writ petition is dismissed with costs of Rs.5,000/-.

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W.P.No.21506 of 2015:

22. Pursuant to the orders of this Court in W.P.No.16266

of 2015 and batch (supra), it is stated that the application through hard copy was received on 18.05.2015 i.e., after 10 days after the last date. But the covering letter of the college dated 16.05.2015 states that they paid the amount through demand draft dated 18.04.2015 for an amount of Rs.40,750/- towards application fee, affiliation fee and inspection fee seeking affiliation for the academic year 2015-16. When the said fact was verified with the payment details mentioned in Sl.Nos.37 and 38 of the application, it did not tally except the amount of Rs.40,750/- dated 18.04.2015. There is no evidence of submission of hard copy, if there was any problem with the portal on 6th or 7th May 2015, within the prescribed date or within two or three days thereafter. The covering letter dated 16.05.2015 was acknowledged on 26.05.2015 by the University.

23. In the circumstances, the communication of the University on 19.06.2015 cannot be held to be bad and therefore, the writ petition is liable to be dismissed and is accordingly dismissed.

W.P.No.18358 of 2015:

24. Pursuant to the orders of this Court in W.P.No.16266 of 2015 and batch (supra), the college in its hurry did not file the second page of the communication dated 19.06.2015 issued by the University and in the absence of which, this Court is disabled from examining the reason communicated to the petitioner. However, the college made an application on 13.05.2015 submitting hard copy enclosing three demand drafts for an amount of Rs.3,36,500/- towards application fee, inspection fee and affiliation fee for the academic year 2015-16 in respect of the second petitioner-college. Though the said demand drafts were taken on

20.04.2015 much prior to the last date prescribed for submission of applications, no cogent reason has come forward for not submitting the application within the prescribed time. On the other hand, there is a letter of admission addressed to the University on 26.05.2015 stating that though the entire information was uploaded before 6th or 7th May, 2015, they could not submit the online application due to busy engagement of server and internet problem on their end. It is further stated that they submitted application on 13.05.2015 and they sought for inspection of the college. Thereafter, a communication was issued by the University on 30.05.2015 intimating that inspection was scheduled to be conducted on 01.06.2015 for the academic year 2014-15.

25. In view of the submission of hard copy on 13.05.2015 and in the absence of clear protest to the communication dated 30.05.2015 of the University conducting inspection only for the academic year 2014-15, it cannot be held that the communication dated 19.06.2015 of the University is bad in law. Therefore, the writ petition is liable to be dismissed and is accordingly dismissed.

26. With the above observations, all these writ petitions are dismissed. Miscellaneous Petitions, if any pending in these writ petitions shall stand closed. However, there shall be no order as to costs in all the writ petitions except W.P.No.18595 of 2015. There shall be costs of Rs.5,000/- in W.P.No.18595 of 2015.

A.RAMALINGESWARA RAO, J

Date: 24.07.2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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