

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19237 of 2016
and WMP.No.16720 of 2016

Magna College of Engineering,
Rep. by its Chairman
Red Hills Tiruvallur High Road,
Magaral,
Chennai-600 055. .. Petitioner

Vs.

1. Anna University
Rep by its Registrar,
Guindy,
Chennai-600 025.
2. Commissioner of Technical Education,
Guindy,
Chennai-600 025.
3. The Secretary,
Tamil Nadu Engineering Admission,
Anna University,
Guindy, Chennai-600 025. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondents relating to the order of the first respondent in their Lr.No.211/CA1-Deficit. Colleges/AU/2016 dated 14.05.2016 and Lr.No.02/AFFLN/CAI/AU/2016-17/1112 dated 14.05.2016 and quash the same insofar as reduction of intake of 50% in existing Under Graduate courses and no admission in existing Post Graduate courses and consequently direct the first respondent to consider the representation of the petitioner dated 11.05.2016 and 25.05.2016 to restore the intake in consonance with the approval granted by AICTE, vide order in F.No.Southern/1-2811581808/2016/EOA dated 10.04.2016.

For Petitioner : M/s.Muthumani Doraisami

For Respondents : Mr.M.Vijayakumar
for Ann University
Mrs.P.Rajalakshmi
Government Advocate for R2

O R D E R

By consent this writ petition is taken up for final disposal.

2. The petitioner, in the affidavit filed in support of this writ petition, would aver among other things that it is an Engineering College being run by JDN Educational Trust and the College was established in the year 1999 and it is also recognized by the Government of Tamil Nadu, vide proceedings dated 29.12.1997 and also approved by All India Council for Technical Education (AICTE), New Delhi, vide proceedings dated 13.08.1999 and originally it was affiliated to Madras University and thereafter now affiliated to Anna University from the academic year 1999 onwards. The petitioner would further state that so far 14 batch of students have successfully graduated from petitioner institution and it is offering the following courses:

- B.E. Civil Engineering
- B.E. Mechanical Engineering
- B.E. Electrical and Electronics Engineering
- B.E. Electronics and Communication Engineering
- B.E. Computer Science & Engineering
- B.Tech. Information Technology
- M.E. Applied Electronics
- M.E. Computer Science & Engineering
- M.E. Manufacturing Engineering.

3. The petitioner would further state that on 07.03.2016, the Expert Committee constituted by the first respondent University inspected the petitioner institution and on 30.03.2016, communicated a deficiency report. In response to the same, the petitioner has also submitted a detailed compliance report. AICTE has also accorded extension of approval, vide proceedings dated 10.04.2016 for the academic year 2016-17, approving all the Under Graduate and Post Graduate Courses available in the petitioner institution. The petitioner was issued with a Show Cause Notice dated 07.05.2016 by the first respondent University pointing out certain deficiencies and called upon them to comply with the deficiencies on or before 11.05.2016 for granting continuation of affiliation for the academic year 2016-17. The petitioner, in response to the show cause notice, has submitted a detailed compliance report dated 11.05.2016 with all documents stating that whatever deficiencies pointed out have been fully complied with and prayed for extension of approval for the current academic year. The grievance expressed by the petitioner is that despite full compliance, the first respondent University had sent three communications dated 14.05.2016 informing that the intake has been reduce by 50% for Under Graduate courses and no admission for Post Graduate

4. The learned counsel appearing for the petitioner has drawn the attention of this Court to the materials placed and would submit that despite the fact that whatever deficiencies pointed out have been fully complied with, the first respondent University did not consider the same in proper perspective and reduced the intake by 50% for Under Graduate Courses and no admission for Post Graduate Courses at the last moment depriving the petitioner to approach the Court at the earliest point of time. It is the further submission of the learned counsel appearing for the petitioner, on instructions, that the Expert Committee of the first respondent University may be directed to conduct re-inspection of the college as to the compliance of the deficiencies within a time frame and the petitioner is also willing to pay the inspection and other fees required by the University and appropriate orders may be passed.

5. The learned Standing Counsel appearing for the first respondent University has drawn the attention of this Court to the counter affidavit and would submit that on 07.03.2016, inspection was done and high level of deficiencies were noted and the petitioner has submitted his compliance report and it was verified and scrutinized by the Expert Committee and once again deficiencies have been noted and another compliance report was submitted on 11.05.2016 and the Expert Committee, after considering it, has informed the petitioner, vide communications dated 14.05.2016 stating among other things about the reduction in the intake of Under Graduate courses and no admission for Post Graduate Courses and would further submit that in the light of the time schedule prescribed by the Hon'ble Supreme Court of India in Parshvanth Charitable Trust and Others v. All India Council for Technical Education and Others [(2013) 3 SCC 385], no orders may be passed extending the time limit for continuance of affiliation for the current academic year.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. It is the vehement and categorical submission of the learned counsel appearing for the petitioner that whatever deficiencies pointed out by the Expert Committee of the first respondent University have been fully complied with and therefore, the petitioner is entitled to admit students for Under Graduate and Post Graduate Courses in respect of its sanctioned strength and also produced voluminous documents containing the compliance of deficiencies pointed out.

8. The Hon'ble Supreme Court of India in Parshvanth Charitable Trust and Others v. All India Council for Technical Education and Others [(2013) 3 SCC 385] has also emphasized strict adherence to time schedule and it is relevant to extract para 36 of the said judgment as under:

"36. Non-adherence of this Schedule can result in serious consequences and can jeopardise not only the interest of the college students but also the maintenance of proper standards of technical education. The authorities concerned, particularly AICTE, should ensure proper and timely action upon the applications submitted to it. It must respond to the applicant within a reasonable time period and should not let the matter drag till the final date giving rise to avoidable speculations by all stakeholders. Thus, it would be appropriate for these authorities to bring to the knowledge of the parties concerned, the deficiencies, if any, and the defects pointed out by the Expert Committee during the inspection within three weeks from the date of such ⁴⁰⁴ inspection or pointing out of defects, as the case may be. For better administration, AICTE should also state the time within which such deficiencies/defects should be removed by the applicant. This will help in building of a coherent and disciplined method of working to ensure the proper implementation of the entire formulated scheme of technical education. AICTE will not have any jurisdiction or authority to issue approval for commencement of a new course or for additional intake of students beyond 30th April of the year immediately preceding the commencement of an academic year."

9. In the light of the above facts and circumstances, the Expert Committee of the first respondent University shall inspect the petitioner institution as to the compliance of the deficiencies pointed out in their detailed compliance report dated 11.05.2016 in accordance with the relevant norms and regulations, within a period of four weeks from the date of receipt of a copy of this order, subject to payment of prescribed fee and communicate the results of the inspection, to the petitioner.

10. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.Registrar,
Anna University
Guindy, Chennai-600 025.

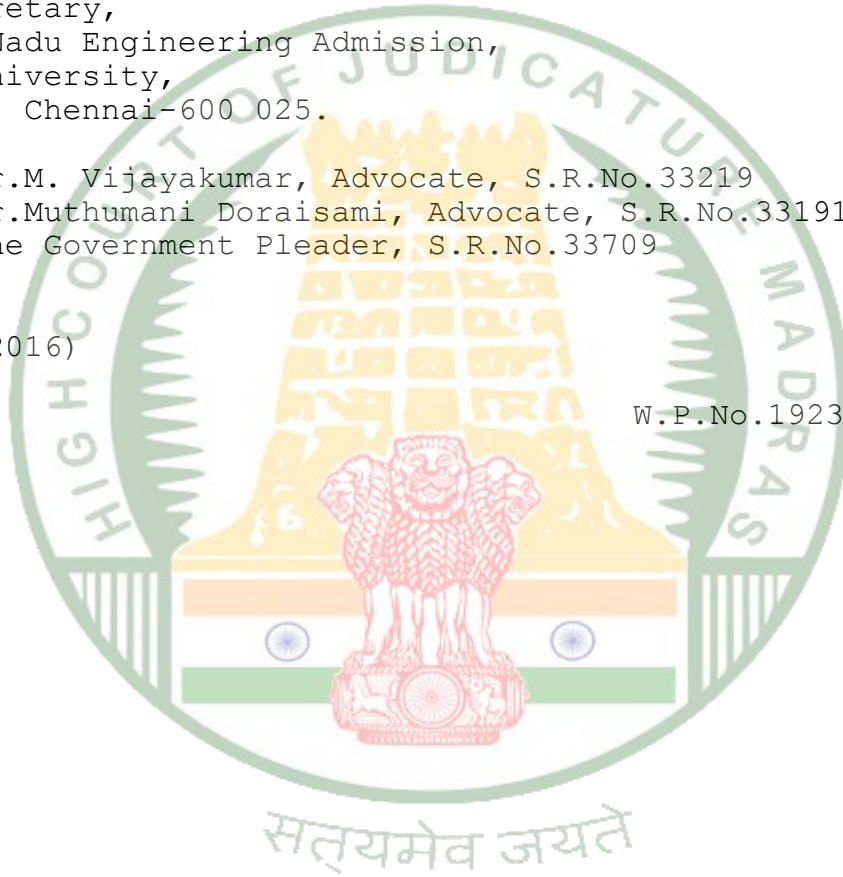
2.Commissioner of Technical Education,
Guindy,
Chennai-600 025.

3.The Secretary,
Tamil Nadu Engineering Admission,
Anna University,
Guindy, Chennai-600 025.

+1cc to Mr.M. Vijayakumar, Advocate, S.R.No.33219
+1cc to Mr.Muthumani Doraisami, Advocate, S.R.No.33191
+1cc to the Government Pleader, S.R.No.33709

SKS (CO)
EU(22/06/2016)

W.P.No.19237 of 2016



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