



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASANWrit Petition (MD) No.15593 of 2016andW.M.P(MD)No.11459 of 2016

Swami Vivekananda Institute of
Management, Thanjavur, Rep by
its Chairman, L.B.S.Yadav,
S.V.Nagar, Vallam,
Thanjavur 613 403

.... Petitioner

Vs.

1.The Registrar,
Anna University,
Chennai 600 025.

2.The Director,
Centre for Affiliation of Institutions,
Anna University,
Chennai 600 025.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned letter issued by the 1st respondent in Notice Lr.No.211/CAI-Deficit Colleges /AU/2016-12 dated 14.05.2016 and quash the same on the ground that the same is arbitrary illegal and against the Principles of Natural Justice and consequently directing the Respondents No.1 and 2 to grant affiliation for M.B.A. courses to the Petitioners Institution for the academic year 2016-2017.

For Petitioner

: Mr.Niranjankumar for
Mr.V.Balaji

For Respondents

: Mr.M.Rajarajan,

ORDER

According to the petitioner, the petitioner is running a college wherein M.B.A. course was conducted with the prior permission and affiliation from the University for the period from 2012 to 2016.



2. According to the petitioner, the petitioner college applied for affiliation for the above said course along with the approval of the AICTE to the respondents for the academic year 2016-2017. On receipt of such application, an inspection committee of the respondent university made an inspection on 15.02.2016 and subsequently issued a show cause notice dated 07.04.2016 pointing out certain deficiencies. After rectifying the deficiencies pointed out by the respondents, the petitioner sent a reply on 19.04.2016 along with necessary documents within the period stipulated by the first respondent. However, without considering the compliance report, by order dated 14.05.2016, the first respondent passed an order refusing to grant affiliation for the academic year 2016-2017. Subsequent to that order, another communication dated 30.06.2016 has also been issued by the respondents informing the petitioner college regarding 'No Admission Status' for the above said course for the academic year 2016-2017 and returned the demand draft submitted by the petitioner college. Aggrieved over the above said order dated 14.05.2016, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner would submit that pursuant to the show cause notice issued by the first respondent university, the petitioner college has rectified all the deficiencies mentioned in the show cause notice and also given a reply along with necessary documents. But the first respondent university without conducting any inspection and satisfying themselves regarding the compliance of the deficiencies mechanically passed the order refusing to grant affiliation which is impugned in this writ petition.

4. Learned counsel appearing for the respondent would submit that as per the guidelines issued by the AICTE, the last date for granting affiliation was already over on 30.05.2016 and therefore, they are not in a position to consider the application for affiliation for the above said course.

5. Learned counsel appearing for the petitioner submitted that it would suffice, if the first respondent is directed to inspect the petitioner college to verify the compliance made by the petitioner college, pursuant to the deficiencies pointed out by them in the show cause notice.

6. Considering the fact that conducting inspection on the petitioner college would not cause any prejudice to the first respondent university, the first respondent is hereby directed to conduct an inspection based on the reply submitted by the petitioner college and after such inspection, pass appropriate orders, on merits and in accordance with law, after giving sufficient opportunity to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.



3

7. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P (MD) No. 11459 of 2016 is closed.

Sd/
Assistant Registrar (AE)

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Sub Assistant Registrar

+1 cc to MR.V.BALAJI, Advocate SR.No.54411

+1 cc to MR.M.RAJARAJAN, Advocate SR.No.55220

Writ Petition (MD) No.15593 of 2016
21.09.2016

SMA/AAL-MPA/SAR-III/22/09/2016 :2P/2C