

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 19369 of 2016

ORDER:

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The present Writ Petition came to be filed with the following prayer:

“Issue writ of mandamus declaring the action of the second respondent in not processing the application of the petitioner seeking additional sections/groups submitted in pursuance of the Notification No.TSCHE/AC/SECY/LAW/ HMC/UG/PG/2016, dated 05.02.2016 as illegal, arbitrary and violative of Article 14 of the Constitution of India and violative of the principles of Promissory Estoppel and consequently direct the respondents to inspect the facilities of the petitioner and grant permission and affiliations to the petitioner as sought by the petitioner.”

The averments in the affidavit filed in support of the writ petition would show that the petitioner college which was imparting training to undergraduate courses was granted permission by the second respondent. Pursuant thereto, the respective Universities has accorded affiliation to the petitioner's institution. In the month of February, 2016, the second respondent issued a notification inviting applications from registered educational societies for starting unaided UG, PG and Law Courses in the existing aided/unaided degree/law colleges for the academic year 2016-2017. The last date of submission of applications was 06.03.2016, which was extended till 15.03.2016. The averments in the affidavit would show that the petitioner has paid substantial amount towards processing charges and also deposited Rs.5.00 lakhs to show his solvency. It is averred that

though the entire process has to be completed by May, 2016, till date physical inspection of the premises, which is to be conducted by a Joint Inspection Committee consisting of three members, is not done. It is further submitted that if committee is not appointed and inspection is not done, the petitioner would be put to great loss, as the counselling for the students would be completed by 30.06.2016. In view of the above, the petitioner seeks appointment of a Joint Inspection Committee and granting affiliation to the college by the second respondent.

Heard learned counsel for the petitioner and Government Pleader for Education.

As seen from the record, the students have to register their options with web site between 20.05.2016 and 06.06.2016 and subsequent registrations on 07.06.2016 and 08.06.2016 would be permitted with late fee of Rs.500/-. Thereafter, the registration would be get closed and the first list of seats allotment would be issued on 10.06.2016. It is an admitted fact that the students would be granted time upto 20.06.2016 to report to their respective colleges for commencement of first semester courses from 22.06.2016. The unfilled seats would be allotted by way of second list on 25.06.2016 by granting time to the allottees to report to their respective colleges by 30.05.2016. If any seats are left unfilled after these two rounds of counseling, they would be filled up by last phase of web options between 30.06.2016 and 01.07.2016.

In view of the fact that the process of registration by the students by paying late fee is over by 08.06.2016 itself, the question of permitting the petitioner-college to take students basing on their web options already exercised without there being

any affiliation to the second respondent would not arise.

The Government Pleader for Education submits that the process of appointment of Joint Inspection Committee and they inspecting the colleges may take atleast two or three weeks. He submits that after the report is received from the committee, the petitioner has to apply for affiliation and if affiliation is granted, the petitioner can admit the students into the courses offered.

Having regard to the submissions made, the respondents are directed to appoint Joint Inspection Committee consisting of three members as early as possible, preferably, within a period of three (03) weeks from today, who after following the due process shall submit a report to the third respondent. If the report is in favour of the petitioner, the third respondent shall consider the case of the petitioner in granting affiliation to the courses for the academic year 2016.2017 in accordance with law. After granting affiliation and if any time is left, the petitioner may be allotted the un-filled seats in the second and third phase of the counselling and also spot admission. It is to be noted that the petitioner shall be entitled for allotment, if the process referred to above is completed within the time frame fixed for counseling and in any event not beyond 30.06.2016. If the process could not be completed within the period referred to above, the petitioner would not be entitled for allotment of seats unless the date for second and third counseling is extended.

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand dismissed.

**JUSTICE C. PRAVEEN
KUMAR**

17.06.2016
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