

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER
and

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.A.No.910 of 2017 and
C.M.P.No.12825 of 2017

1. Anna University,
Rep. By its Registrar, Chennai - 600 025.
2. The Director,
Centre for Affiliation of Institution,
Anna University, Chennai - 600 025. Appellants

vs.

Sapthagiri College of Engineering,
Rep. by its Chairman,
NH-7 Krishnagiri Main Road,
Periyanaahalli, Dharmapuri - 635 205. Respondent

Appeal filed under Clause 15 of the Letter Patent against the order dated 30.06.2017 passed in W.P.No.15185 of 2017. Prayer in WP.15185/2017: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records of the respondents relating to the order of the 1st respondent in Lr. No. 211/CAI-Deficit Colleges 34 / AU/ 2017 dated 14.5.2017 and quash the same in so far as it reduces the intake of the petitioner Institution by 50% for the academic year 2017-18 and directing the respondents herein to grant extension of affiliation to courses run by the petitioner College for the academic year 2017-18 as approved by AICTE to the petitioner institution by considering the compliance report of petitioner Institution dated 2.5.2017.

For Appellants : Mr.K.Venkatramani,
Additional Advocate General
Assisted by Mr.Vijayakumar
For Respondent : Mr.Kandan Doraisamy

JUDGMENT

[Judgment of the Court was made by RAJIV SHAKDHER, J.]

1. Issue notice. Mr.Kandan Doraisamy, accepts notice on behalf of the respondent.

2. With the consent of counsel for the parties, this writ appeal is taken up for final hearing and disposal.

3. Counsel for the respondent says that he does not wish to file a counter affidavit and will argue the matter on the basis of the record.

4. It is not even the case of the respondent's counsel before us that, when, compliance report dated 02.05.2017, was submitted to the appellant, it contained requisite annexures. The counsel for the respondent has admitted that the annexures were submitted only under the caption of the letter dated 19.05.2017. We may also note that the impugned communication, which was issued by the appellant and is dated 14.05.2017, states that the documentary evidence submitted was not sufficient/acceptable.

5. The case set up before us by the appellant is that no document was submitted, as indicated above, by the respondent along with the compliance report dated 02.05.2017.

6. As alluded to above, this fact having not been disputed, clearly, the attempt made to cure the deficiency on 19.05.2017, was beyond the deadline fixed by the Supreme Court in its judgement rendered in : Parshavanath Charitable Trust & Others Vs. All India Council for Tech. Edu & Others, CDJ 2012 SC 892.

7. In these circumstances, the counsel for the respondent says that given this fact, which stares the respondent in its face, he would be satisfied, if, the appellant would consider its request for the next academic year, i.e., 2018-2019.

8. Mr.Venkatramani, learned Additional Advocate General, says that, if, the documentation submitted by the respondent is complete, the respondent's request will be considered by the concerned Committee qua the next academic year within the next three (3) months.

9. In these circumstances, the impugned judgement is set aside and the writ appeal is allowed in the aforementioned terms. Consequently, the connected pending application shall stand closed. There shall, however, be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsm

TO

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

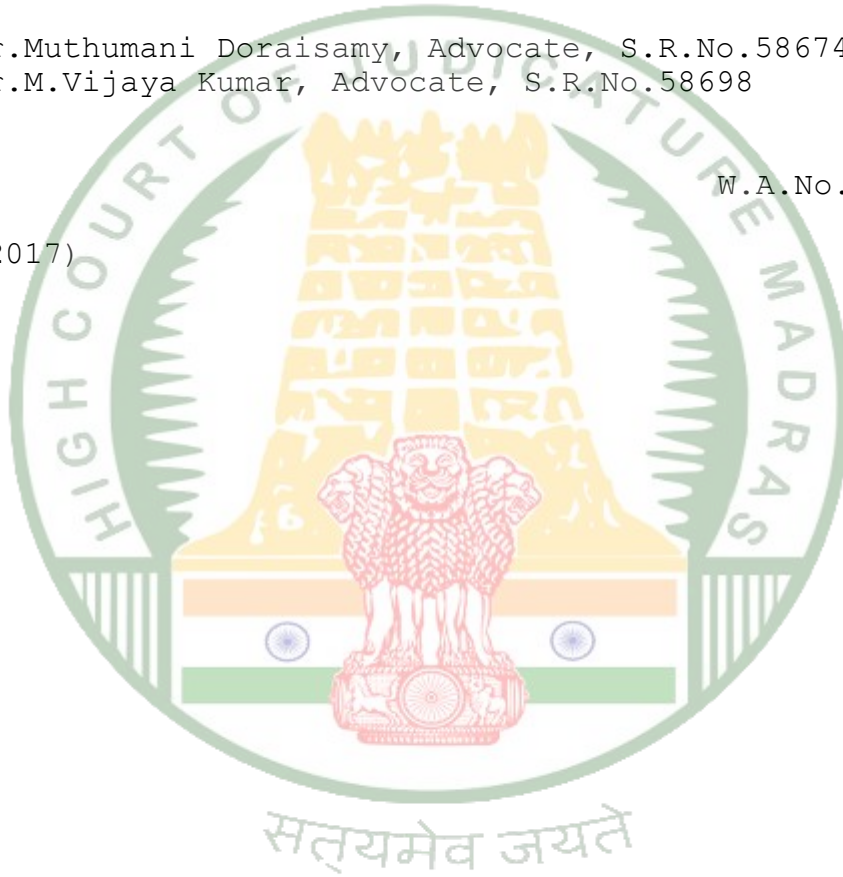
2.The Director,
Centre for Affiliation of Institution,
Anna University,
Chennai - 600 025.

+1cc to Mr.Muthumani Doraisamy, Advocate, S.R.No.58674

+1cc to Mr.M.Vijaya Kumar, Advocate, S.R.No.58698

W.A.No.910 of 2017

SK(CO)
GN(06/09/2017)



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