

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.6.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14891 of 2015 and 6687 of 2017
and WMP No.7214 & 7215 of 2017, 13362 of 2017, 7215 of 2017
WMP No.13361 of 2017, M.P.No.1 & 3 of 2015

- 1 AVC Education Committee
Rep. by its Secretary Mannampandal
Mayiladuthurai Town Nagapattinam District
609 305. Tamil Nadu ... Petitioner in
both W.Ps.
- Vs.
- 1 All India Council for
Technical Education Rep. by its Advisor II
(Approval Bureau) 7th Floor Chanderlok
Building Janpath New Delhi 110001.
- 2 The Commissioner of
Technical Education O/o.The Director of
Technical Education Sardar patel Road
Guindy Chennai 600 025. ... Respondents 1 & 2
in both W.Ps.
- 3 The Regional Officer,
Southern Regional Office,
AICTE, No.26, Haddows Road,
Shastri Bhavan, Chennai 6. ... Respondent No.3
in W.P.No.6687/2017

Prayer in W.P.No.14891 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, calling for the records of the 1st Respondent passed in File SRO/1- 139015103/2013-14 DT.30.04.2015 and quash the same and consequently direct the 1st Respondent to pass appropriate orders granting Extension of Approval for the Academic Year 2015-16 to the petitioners college after considering that the petitioners have rectified all the deficiencies mentioned in the impugned order dated 30.04.2015.

Prayer in W.P.No.6687 of 2017:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the Second Respondent pertaining to the letter No. 40288/ H4/ 2015 dated 1.03.2017 issued by the second respondent to the petitioner and quash the same.

For Petitioner : Mr.N.L.Rajah, Senior counsel
for Mr.S. Dhayaleswaran
For Respondent : Mrs.A.L.Gandhimathi
for RR1 & 3 in W.P. 6687/17
for R1 in W.P. 14891/15
For Respondent No.2 : Mr.Rajagopal, Spl.G.P.
in both W.P.s

COMMON ORDER

The first respondent has granted an approval to AVCC Polytechnic by letter No.43-81/93-SRC/1213, dated 13.05.1994 to conduct diploma courses subject to fulfillment of certain general/specific conditions from time to time and subsequently extension approvals have been granted every year from 1995 till 2013-2014.

2. The first respondent has issued the show cause notice to the petitioner's Institution by pointing out certain deficiencies vide letter dated 5.3.2014. The petitioner submitted a reply to the aforesaid show cause notice, on receipt of the reply to the show cause notice, the first respondent passed an order in File No.SRO/1-1390151053/ 2013-14, dated 17.04.2014, wherein the first respondent has communicated that the petitioner's institution has come under the category 'No Admissions status for the academic year 2014-2015'. Challenging the aforesaid order, the petitioner has filed W.P.No.13575 of 2014 before this Court.

3. After considering the submission made by the counsel for the parties by order dated 05.03.2015, this Court while allowing the writ petition has observed as follows:-

"12. Accordingly, the Writ Petition is allowed, the impugned order is set aside and the respondents are directed not in place the petitioner under 'No Admission Category on the ground of dispute with regard to the land and building, since the said issue is sub-judiced before this Court in W.P.No.30899 of 2012. In so far as technicalities/infrastructural

facilities, it is open to the respondents to verify the same.

"12.1 In the light of the above directions, the students who have written examinations pursuant to the interim order passed by this Court, their results shall be published. Further, pursuant to the interim order passed by this Court, the petitioner appears to have finally admitted all the students and they have also underwent the above orders, setting aside the impugned order, the petitioner is entitled to seek for extension of approval for the academic year 2015-16 and the same shall be considered on merits and in accordance with law and except on the ground relating to the land and building, which is now sub-judiced in W.P.No.30899 of 2012."

4. The aforesaid order passed by this Court for the academic year 2014-2015. The said order has become final, no appeal has been filed by the first respondent. The students of the petitioner's Institution were permitted to appear for examinations for the academic year 2015-2016 and 2016-2017, by compliance to the interim order passed by this Court and also published the results except for IV and V Semester examination held in the month of May 2017. In so far as the VIth Semester examination is concerned, by order, dated 14.6.2017 in WMP No.13361 of 2017, passed the order to publish the results only for the students admitted in the College for the academic year 2014-2015 in the light of the final order passed in W.P.No.13575 of 2012, dated 5.3.2015. In view of the above facts, the writ petition in W.P.No.6687 of 2017 challenging the impugned order, dated 1.3.2017 passed by the 2nd respondent for the students admitted for the academic year 2014-2015 (I year Batch) is liable to be quashed.

5 Now, the students admitted during academic year 2015-2016, the writ petitioner in W.P.No.14891 of 2015 challenged the order of the of the first respondent in File SRO/1-139015103/2013-14 dt.30.04.2015. The first respondent passed an order in File W.P.No.139015103/2013-14, dated 30.4.2015 for the year 2015-16 stating that no extension of approval will be granted to the petitioner for the year 2015-2016 in the light of the report submitted by the Committee to the first respondent. Challenging the aforesaid order, the instant writ petition in W.P.No.14891 of 2015 has been filed by the petitioner and the order passed by the second respondent in Letter No.40288/H4/2015 dated 1.3.2017 has been challenged in W.P.No.6687 of 2017.

6 At the time of admission in W.P.No.14891 of 2015, this Court passed an interim order, dated 21.5.2015 in W.P.No.14891 of 2015 and M.P.No.1 of 2015, permitting the petitioner institution to go on with the selection process, however, shall not be finalised, until further orders, pursuant to the interim order passed by this Court in M.P.No.1 of 2015, the petitioner has filed miscellaneous petitions for the following reliefs:

M.P.No.	Relief sought for
2 of 2015	Seeking direction to the respondents to permit the selected students to write the first semester examination to be held in the month of November, 2015.
3 of 2015	Seeking direction to the first respondent to re-inspect the petitioner's institution for the purpose of ascertaining that the deficiencies have been rectified by the petitioner

7 This Court by order, dated 28.10.2014 passed an order in M.P.No.2 of 2015 in W.P.No.13575 of 2014 directing the second respondent to permit the first year students of the petitioner institution to sit for the first year examination subject to the result of the writ petition. This Court also directed the first respondent to make an inspection on the compliance said to have been made by the petitioner except the establishment of solar system. This Court by its order, dated 7.3.2016 made in W.P.No.14891 of 2015 and W.M.P.No.6553 of 2016 granted interim direction, directing the respondents to permit the selected students to write the final Semester examination of first year to be held in the month of March, 2016 (Practicals) and April 2016 (Theory) or any other subsequent date as per the selection list prepared by the petitioner. Further, this Court made clear that this order is passed without prejudice to the contentions that are going to be raised by the respondents in the writ petition. Merely because the students are permitted to attend the examination, the petitioner cannot claim any equity on that ground.

8 This Court considering the earlier interim order, granted interim stay till 19.7.2016 in W.P.No.17694 of 2016. Pursuant to the said order, admittedly, the petitioner Institution has not admitted students for the academic year 2016-2017.

9 Heard the learned Senior counsel for the petitioner, learned Standing counsel appearing for the respondents 1 and 2 and the learned Special Govt. Pleader for the respondent No.3 and perused the materials on record.

10 The learned Senior counsel for the petitioner would submit that in so far as the academic year 2016-17 is concerned, petitioner college has not admitted the students pursuant to the order passed by the first respondent, dated 9.6.2016. This Court by its order, dated 23.9.2016 in WMP. No.28448 of 2016 in W.P.No.14891 of 2015 has granted interim direction to the respondents to permit the selected students to write the third semester examination to be held in October, 2016 both practical and theory examinations subject to the final result in the writ petition.

11 The Commissioner of Technical Education, the second respondent herein by his letter No.40288/H4/2015, dated 11.5.2017 permitted the students those who are admitted in the petitioner's Institution for the academic year 2014-15 and 2015-16 to write their semester examinations during April/May 2017. However, the results will be withhold until the extension of approval is granted by AICTE for the respective years or appropriate orders from the competent authority. Challenging the aforesaid order, W.P.No.6687 of 2017 has been filed by the writ petitioner. In the aforesaid backdrop, the present writ petitions were taken up for final disposal.

12 On perusal of the order passed by this Court, dated 21.5.2015 in M.P.No.1 of 2015 in W.P.No.14891 of 2015, this Court has granted interim direction, permitting the petitioner to go on with the selection process, however, shall not be finalised until further orders from this Court. Pursuant to the said order, the petitioner without getting further orders from this Court for the admission of the students for the academic year 2015-2016, filed M.P.No.2 of 2015 seeking direction to the respondents to permit the selected students to write the first Semester examination to be held in the month of November 2015 or any other subsequent date as per the selection list prepared by the petitioner, pursuant to the interim order, dated 21.5.2015 granted by this Court, the students of the petitioner College were permitted to write examination and subsequently results were also published pursuant to the interim direction granted by this Court. By virtue of interim direction, students were permitted for the Semester examination. In so far as the 4th Semester is concerned, the Director of Technical Education permitted the students subject to further approval by the first respondent.

13 The learned Standing counsel appearing for the respondents would submit that the first respondent has inspected the College for the academic year 2015-16, but no order has been passed. However, the first respondent passed an order for the academic year 2016-17 by granting extension approval to the

petitioner Institution. Therefore, it is clear from the submission of the learned Standing counsel for the respondents that the first respondent has not passed orders for granting extension of approval for the academic year 2015-16, after the inspection conducted, pursuant to the order passed by this Court. Subsequently, it is brought to the notice of this Court that the first respondent has passed orders on 8.4.2017 in F.No. AICTE/AB/Southern/1-10605091/SCN granting approval subject to 20% reduction intake for the academic year 2017-18.

14 According to the learned Senior counsel for the petitioner, pursuant to the orders passed by the first respondent on 30.4.2015, petitioner Institution has submitted compliance report on the deficiencies pointed out by the first respondent for extension of approval for the academic year 2015-16. In so far as the academic year 2015-16 is concerned, no order has been passed for extension of approval, inspite of the recommendation made in the Committee report, deficiencies have been pointed out by the first respondent for extension of approval to the College. Hence, it is clear from the above facts, the first respondent has not passed any order, pursuant to the inspection, as directed by this Court in respect of the academic year 2015-16.

15 In the light of the above facts, the first respondent is directed to pass orders in accordance with law for the academic year 2015-16 pursuant to the interim order passed by this Court on 21.5.2015 in M.P.No.1 of 2015 in W.P.No.14981 of 2015 in the light of the Committee report within a period of six weeks from the date of receipt or production of copy of this order after providing opportunities to the petitioner's Institution.

16 In view of the facts and circumstances, the impugned order passed by the second respondent, dated 1.3.2017 in W.P.No.6687 of 2017 is quashed in so far as the I year batch of students admitted for the academic year 2014-15 in the light of the final order passed in W.P.No.13575 of 2014. In so far as the I year batch of students admitted for the academic year 2015-16 is concerned, this Court is inclined to direct the first respondent to pass appropriate orders in accordance with law, on the basis of the recommendation made by the Committee pursuant to the interim order, dated 14.10.2015 passed by this Court in M.P.No.2 of 2015 in W.P.No.14891 of 2015, within a period of six weeks from the date of receipt of copy of this order.

Accordingly, the writ petitions are partly allowed, with above direction. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1 All India Council for
Technical Education Rep. by its Advisor II
(Approval Bureau) 7th Flr Chanderlok
Building Janpath New Delhi 110001.

2 The Commissioner of
Technical Education O/o.The Director of
Technical Education Sardar patel Road
Guindy Chennai 600 025.

3 The Regional Officer,
Southern Regional Office,
AICTE, No.26, Haddows Road,
Shastri Bhavan, Chennai 6.

+2 Ccs to Mrs. A.L. Gandhimathi, Advocate sr 42424,42427

+2 Ccs to Mr.S. Dhayaleswaran, Advocate sr 42640,42641

+1 Cc to Govt. Pleader sr 42547,42546

सत्यमेव जयते

W.P.No.14891 of 2015 and
6687 of 2017 and
WMP No.7214 & 7215 of 2017,
13362 of 2017,
WMP No.13361 of 2017,
M.P.No.1 & 3 of 2015

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