

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2017

C O R A M

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition No.14704 of 2017
and W.M.P.No.15935 of 2017

Kongu School of Architecture,
represented by its Correspondent,
Perundurai Railway Station Road,
Thoppupalayam 638052,
Perundurai Taluk,
Erode District.

... Petitioner

//vs//

1. Anna University
represented by its Registrar,
Chennai 600025.
2. The Director,
Centre for Affiliation of Institutions,
Anna University,
Chennai 600025.

... Respondents

Prayer Writ 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 letters No.211/CAI-Deficit Colleges-39/AU/2017 dated 14.05.2017 and 02.06.2017 on the file of the 1st Respondent and quash the same and directing the Respondents to consider the representation of the Petitioner dated 03.06.2017 requesting to grant affiliation to the Petitioner Institution for the full intake of 40 seats in 5 Year Full Time B.Arch. Degree course for the year 2017-2018 in the light of the judgment of the Division Bench of this Honourable Court in W.A.No.716 of 2016, etc.

For Petitioner ... Mr.Kandhan Duraisamy

For Respondents ... Mr.M.Vijayakumar

O R D E R

The petitioner has filed the above Writ Petition seeking to issue a Writ of Certiorarified Mandamus to call for the records of the respondents relating to letters in No.211/CAI-Deficit

Colleges-39/AU/2017, dated 14.05.2017 and 02.06.2017 on the file of the first respondent and quash the same and to direct the respondents to consider the representation of the petitioner, dated 03.06.2017, requesting to grant affiliation to the petitioner Institution for the full intake of 40 seats in 5 Year Full Time B.Arch. Degree course for the year 2017-2018 in the light of the judgment of the Division Bench of this Honourable Court in W.A.No.716 of 2016, etc.

2. The petitioner-Institution is a School of Architecture established in the year 2015. The Council of Architecture accorded approval for introduction of 5 year full time Bachelor of Architecture (B.Arch) degree with intake of 40 seats from the academic year 2015-2016. The first respondent also had granted provisional affiliation on 17.07.2015 for the academic year 2015-2016 for the intake of 40 seats. On 07.05.2016, the Council of Architecture has also granted extension of approval for the academic year 2016-2017 for the intake of 40 students and the provisional affiliation was also granted by the Anna University for the academic year 2016-2017. In the meanwhile, vacancy arose for the post of the Principal of the petitioner-institution. The Council of Architecture nominated Dr.(Prof) Raneer Maria Leonie Vedamuthu as their nominee on the selection committee for selection of architecture teaching faculty. In the meanwhile, the petitioner-Institution has submitted an application dated 12.01.2017 to the first respondent for affiliation for the academic year 2017-2018. The first respondent-University also had deputed its Inspection Committee to verify the minimum standards and norms of the institution. The deficiencies pointed out by the Inspection Committee deputed by the first respondent-University, are also said to have been complied with by the petitioner, excepting the appointment of Principal of the College. The Council of Architecture had prescribed minimum standards for Architectural education. The said regulations prescribe the basic qualification for the post of Principal, which is B.Arch or equivalent with 10 years of experience in Teaching / Research Work / Experience of guiding research or M.Arch or equivalent with 8 years of experience in Teaching / Research / Professional Work.

3. It is stated by the petitioner that as the nominee of the Council of Architecture was out of country, appointment of the Principal could not be made within time. Hence, by its letter dated 02.05.2017, the petitioner requested the first respondent-University to grant time till 31.05.2017 for appointment of Principal. However, without considering the same, the first respondent had communicated a letter dated 08.05.2017 that unless the documentary evidence complying with the deficiencies is produced on or before 11.05.2017, the University would reduce the intake of the students for the current academic year. As the first respondent had fixed 11.05.2017 as the last date for

appointment of the Principal one Ms.R.Rajalakshmi, was recommended as eligible candidate for appointment of the Principal of the petitioner-Institution, as she is possessing all the requirements as per the minimum standards of Architecture Education Regulations, 1983. The appointment of Principal was also communicated to the first respondent on 09.05.2017 and it was received by the University on 10.05.2017, which is much prior to the cut off date given by them, namely, 11.05.2017. Despite complying with the report before the dead line given by the first respondent, the petitioner was issued with an order dated 14.05.2017, intimating reduction of 25% of intake of students. Immediately, the petitioner had approached the first and second respondents by enclosing the proof of compliance with the communication of the Council of Architecture and explained the situation and requested to re-consider the order dated 14.05.2017.

4. While so, the Council of Architecture also granted extension of approval to the petitioner-Institution for the academic year 2017-2018 for the intake of 40 students. As the extension was granted by the Council of Architecture, the petitioner again submitted letters to the respondents requesting them to consider the provisional affiliation for the intake of 40 students. However, there was a letter from the first respondent which crossed the communication sent by the petitioner dated 02.06.2017, in and by which, the University had specifically stated that the candidate recommended for appointment of the Principal did not possess the sufficient experience in teaching research / profession work as required by the minimum standards regulations. The learned counsel appearing for the petitioner filed supporting documents with experience of the candidate recommended for the post of Principal. A cursory look of the same, satisfies that the Principal prospect has got the required qualification. The learned counsel appearing for the Anna University also has convinced about the candidature for the post of Principal, but only was insisting on the delay on the part of the petitioner-institution.

5. From a perusal of the records, it appears that the correspondence of the petitioner and the first respondent had crossed at each point of time. However, the petitioner seems to have pointed out the same and intimated to the first respondent well within the last date prescribed, namely, 11.05.2017. In such circumstances, this Court is inclined to set aside the letter No.211/CAI-Deficit Colleges-39/AU/2017 dated 14.05.2017 and the subsequent letter dated 02.06.2017 and direct the respondents to consider the representation made by the petitioner, dated 03.06.2017 for grant of affiliation to the petitioner-Institution for the full intake of 40 students for the academic year 2017-2018. The first respondent is directed to complete the said exercise within a period of four weeks from

the date of receipt of a copy of this order. The petitioner is also directed to furnish the necessary documents, if not available with the first respondent, at the earliest.

6. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Registrar,
Anna University
Chennai 600025.
2. The Director,
Centre for Affiliation of Institutions,
Anna University,
Chennai 600025.

+1cc to M/s.Muthumani Doraisami, Advocate in sr.no.45234
+1cc to M.Vijayakumar, Advocate in sr.no.45254

Writ Petition No.14704 of 2017
and W.M.P.No.15935 of 2017

NR 03/07/2017

सत्यमेव जयते
WEB COPY