

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15185 of 2017

and

WMP.Nos.16457 and 16458 of 2017

Sapthagiri College of Engineering
Rep.by its Chariman
NH-7 Krishnagiri Main Road
Periyanahalli,
Dharmapuri - 635 205.

... Petitioner

...Vs...

1. Anna University
rep.by its Registrar
Chennai 600 025.

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

... Respondents

PRAYER : 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 first respondent in Lr.No.211/CAI-Deficit Colleges 34/AU/2017 dated 14.05.2017 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 02.05.2017.

For Petitioner

: Mr.Kandhanduraisamy

For Respondents 1 and 2 : Mr.M.Vijayakumar

O R D E R

The petitioner has filed the above Writ Petition seeking to issue a Writ of certiorarified mandamus calling for the records of the respondents, relating to the order of the first respondent in Lr.No.211/CAI-Deficit Colleges 34/AU/2017 dated 14.05.2017 and quash the same insofar as it reduces the intake of the petitioner institution by 50% for the academic year 2017-18 and direct 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 02.05.2017.

2. The petitioner is an engineering college which had got approval from AICTE (All India Council for Technical Education). The petitioner-college is functioning with a total intake of 634 students with several courses. The petitioner-institution has submitted its application for approval of the academic year 2017-18 to the AICTE. The AICTE had granted extension of approval for the academic year 2017-18 on 30.03.2017. Thereafter, the petitioner also submitted an application to the Anna University, the first respondent herein for extension of affiliation for the academic year 2017-18 on 24.01.2017. The inspection committee constituted by the first respondent-University has also inspected the petitioner institution. The Anna University had also sent a communication dated 07.04.2017 to the petitioner pointing out certain deficiencies to be complied with on or before 03.05.2017. It is stated that the petitioner-Institution immediately submitted a detailed compliance report dated 02.05.2017, which was also received by the University on 03.05.2017. It is now stated that despite the compliance report sent to the University well within time, the first respondent-University had passed the impugned order reducing the intake of seats by 50%. The said order is now challenged by the petitioner in this writ petition.

3. It is pointed out by the learned counsel appearing for the petitioner that the first respondent-University failed to consider the compliance report before passing the impugned order. In fact, the petitioner also had sent a request letter dated 23.05.2017 to re-consider its decision and restore the affiliation order for the academic year 2017-18. As there was no response from the first respondent-University, the present Writ Petition has been filed.

4. The first respondent-University has filed a counter affidavit stating that though the letter of compliance was received by the University on 03.05.2017, which is well within

time, no annexure was enclosed as indicated in the compliance report. Therefore, when the Hon'ble Supreme Court has given the dead line date as 15.05.2017, the University cannot exercise its jurisdiction beyond the prescribed time.

5. Heard both sides and perused the materials available on record.

6. The facts are not disputed. The only complaint is that the petitioner had complied with the deficiencies pointed out by the Inspection Committee and submitted its compliance report on 02.05.2017, which was also received by the University on 03.05.2017. The only allegation by the University is that the petitioner had not enclosed the annexures.

7. It is stated by the learned counsel appearing for the petitioner that annexure is voluminised and hence, the same could not be uploaded through online and it was delivered within time. However, without considering the annexure, the first respondent has passed the non-speaking order downsizing the number of seats intake.

8. Be that as it may. Admittedly, the first respondent has not considered the annexure enclosed by the petitioner before passing the impugned order. While passing the impugned order, the first respondent ought to have considered the compliance report submitted by the petitioner before reducing the number of intake of students. As the first respondent has not considered the compliance report filed by the petitioner, the impugned order passed by the first respondent-University is set aside and the respondents are directed to consider the detailed compliance report dated 02.05.2017, which was received by the University on 03.05.2017 and peruse the annexure already submitted and pass fresh orders. If need be, the petitioner may be given a chance before passing any order. The said exercise shall be completed by the first respondent-University within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

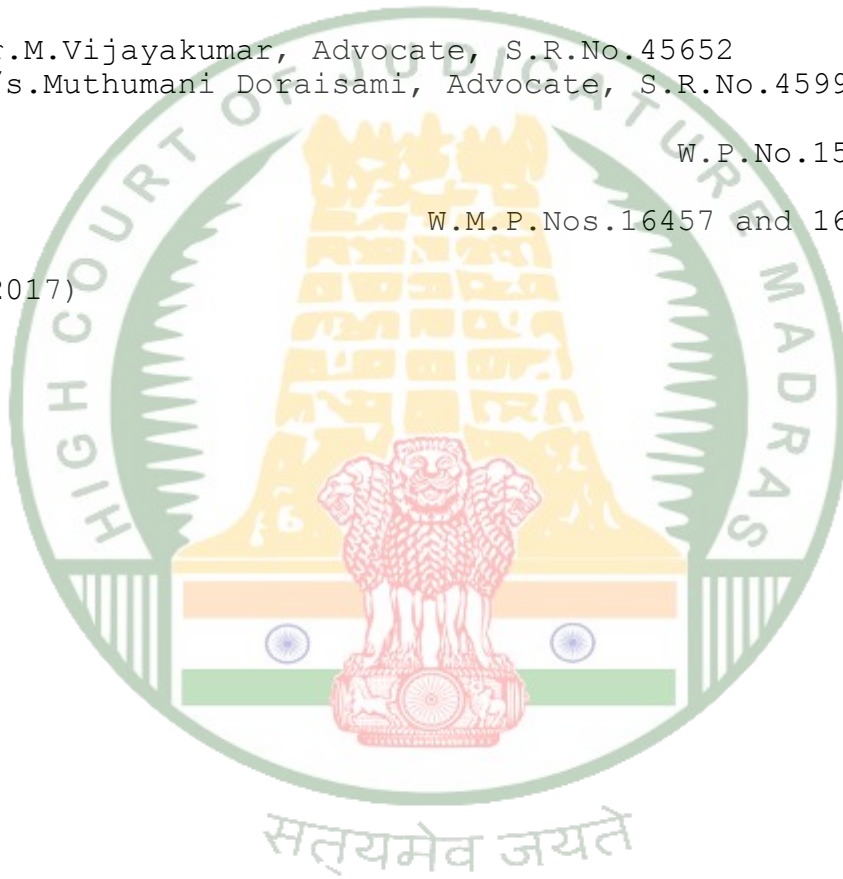
1. The Registrar
Anna University
Chennai 600 025.
2. The Director
Centre for Affiliation of Institutions
Anna University
Chennai 600 025.

+1cc to Mr.M.Vijayakumar, Advocate, S.R.No.45652
+1cc to M/s.Muthumani Doraisami, Advocate, S.R.No.45990

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and

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CA(12/07/2017)



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