

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.16995 of 2017
and
WMP Nos.18454 & 18455 of 2017

The Chairman

Indira Institute of Engineering and Technology
No.1, V.G.R. Gardens, V.G.R. nagar,
Pandur, Thiruvallur Taluk & District,
Thiruvallur - 631 203.

... Petitioner

Vs.

1. The State of Tamilnadu
Rep. by its Principal Secretary to Govt.
Higher Education Department,
Secretariat, Chennai-600 009.

2. Anna University
Rep. by its Registrar
Guindy, Chennai-600 032.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of of Certiorarified Mandamus, calling for the records pertaining to the letter dated 14.05.2017 having reference No.Lr.No.211/CAI-deficit.Colleges/AU/2017/04 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent to consider the petitioner's compliance report dated 10.05.2017 that has met all the deficiencies and to continue its provisional affiliation already granted to admit the student for the UG and PG courses in the petitioner institution.

For Petitioner : M/s.Kavitha Deenadayalan
For Respondents : Mr.A.Kumar
Special Government Pleader, For R1
Mr.M.Vijayakumar,
Standing Counsel, For R2

O R D E R

The petitioner is aggrieved against the proceedings dated 14.05.2017 issued by the second respondent, wherein and whereby, the petitioner was informed that the documentary evidence submitted by the petitioner with a compliance report were not sufficient / acceptable for certain courses conducted in the petitioner college. The petitioner consequently seeks for a direction to the second respondent to consider the compliance report dated 10.05.2017 that has met all the deficiencies and to continue its provisional affiliation already granted to admit the students for the UG and PG courses in the petitioner college.

2. The learned counsel appearing for the petitioner submitted that the impugned communication was issued in total non-application of mind to the compliance report submitted by the petitioner on 10.05.2017, enclosing all the relevant documents. He further submitted that certain findings rendered in the impugned communication viz., 50% reduction in the intake sought from the University and that there was no admission in MBA Course are totally against the facts and without reference to the compliance report submitted by the petitioner on 10.05.2017. Therefore, she submitted that the second respondent / University shall have to consider the matter afresh in the light of the compliance report submitted by the petitioner on 10.05.2017.

3. A counter affidavit is filed by the second respondent, wherein, it is stated that the petitioner college submitted the compliance report on 03.05.2017 and the same was evaluated by an expert committee on 05.05.2017. It is further stated that the Committee observed that the College has not submitted sufficient evidences and therefore, a letter was sent to the college on 06.05.2017 giving opportunity to submit another compliance report on 10.05.2017. It is stated that the petitioner submitted another compliance report on 10.05.2017, which was evaluated by the expert committee on 11.05.2017. Thus, it is stated in the counter, that the expert committee recorded that the second compliance report did not have sufficient documentary evidences.

4. The learned standing counsel appearing for the second respondent / University reiterated the averments made in the counter affidavit and submitted that since the petitioner has not furnished sufficient documents, the University is left with no other option, but to reduce the intake by 50% and also to hold that there would be no admission for PG courses.

5. Heard both sides and perused the impugned communication.

6. Though it is admitted by the second respondent in the counter affidavit that the petitioner has filed the compliance report on 10.05.2017, as also claimed by the petitioner, there is absolutely no reference about the said compliance report in the impugned communication. It stopped with the notice issued by the second respondent / University on 06.05.2017, without making any further reference to the compliance report submitted by the petitioner on 10.05.2017 or the so called evaluation of the expert committee on 11.05.2017. Therefore, I find every force in the contention raised by the petitioner that the impugned communication was issued without application of mind, more particularly, on the compliance report submitted by the petitioner on 10.05.2017. It is not in dispute that the petitioner has made the application for continuation of provisional affiliation in time and therefore, the question of raising any objection regarding the last date for considering the said request does not arise in this case.

7. Considering the above stated facts and circumstances and considering the fact that the impugned communication was also passed on 14.05.2017, being one day prior to the last date for considering of such application, I am of the view, that the second respondent / University has to re-consider the issue afresh, based on the compliance report submitted by the petitioner on 10.05.2017. This Court, also makes it clear that it is not expressing any view on the merits of the matter, as it is for the second respondent / University to consider and take appropriate decision. Accordingly, this writ petition is allowed and the impugned communication dated 14.05.2017 is set aside. Consequently, the matter is remitted back to the second respondent / University to pass fresh orders, based on the compliance report submitted by the petitioner on 10.05.2017, on merits and in accordance with law. Such exercise shall be done by the second respondent / University, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mk

To

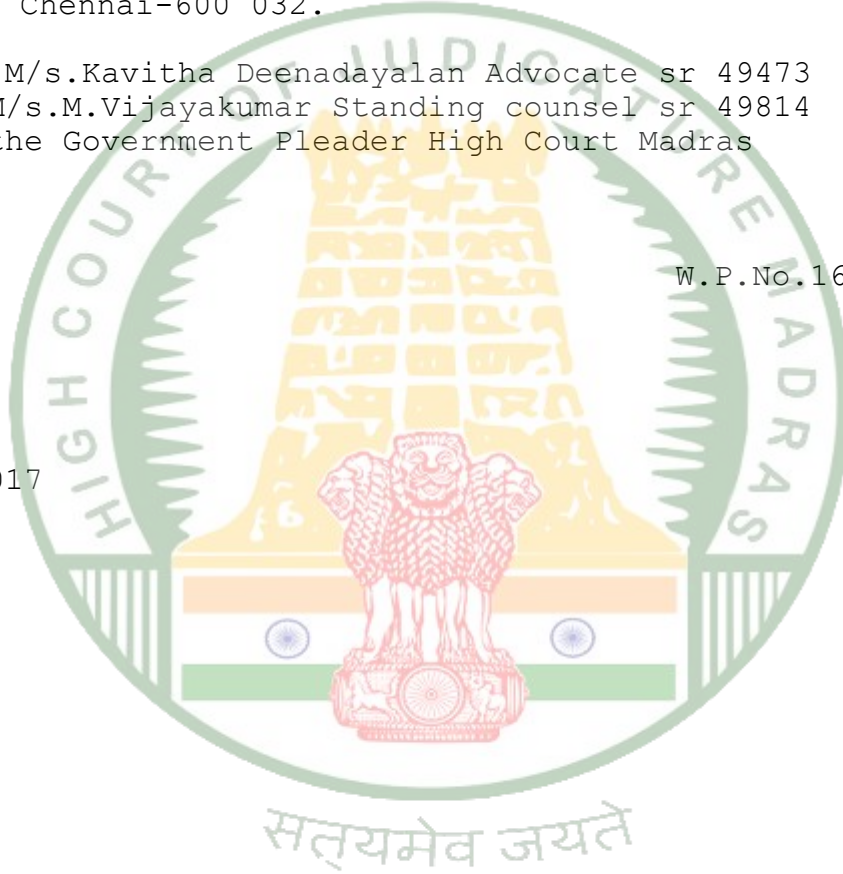
1.The Principal Secretary to Government
The State of Tamilnadu
Principal Secretary to Govt.
Higher Education Department,
Secretariat, Chennai-600 009.

2. The Registrar
Anna University
Guindy, Chennai-600 032.

+2 ccs to M/s.Kavitha Deenadayalan Advocate sr 49473
+1 cc to M/s.M.Vijayakumar Standing counsel sr 49814
+1 cc to the Government Pleader High Court Madras
sr 49733

W.P.No.16995 of 2017

arvii
aa17/07/2017



WEB COPY