IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2017

CORAM :

The Hon'ble MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.716 of 2016 & CMP.Nos.9412 & 9413 of 2016

and

W.P.Nos.34061 & 34062 of 2016 & WMP.Nos.29405 & 37581 of 2016

W.A.No.716 of 2016:

Sri Muthukumaran Institute of Technology,
rep. by Principal / Director,
Chikkrayapuram,
Near Mangadu,
Chennai - 600 069. .. Appellant

-vs-

1. All India Council for Technical Education (AICTE),
(A Statutory Body of Government of India)
rep. by its Director / Approval Bureau,
7th Floor, Chanderlok Building,
Janpath, New Delhi - 110 001.

2. All India Council for Technical Education (AICTE),
rep. by its Regional Officer,
Southern Regional Office,
Shastri Bhavan, 26, Haddows Road,
Nungambakkam,
Chennai - 600 006.

3. The Registrar,
Anna University,
Guindy, Chennai - 600 025.

4. The Director,
Directorate of Technical Education,
Chennai - 600 025.

5. The Secretary to Government of Tamil Nadu,
Higher Education Department,
Chennai - 600 009. .. Respondents

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W.P.Nos.34061 & 34062 of 2016

Sri Muthukumaran Institute of Technology,
rep. by Principal / Director,
Chikkarayapuram,
Near Mangadu,
Chennai – 600 069. .. Petitioner in both petitions

-vs-

1. All India Council for Technical Education (AICTE),
(A Statutory Body of Government of India)
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3. The Registrar,
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Guindy, Chennai – 600 025.

4. The Director,
Directorate of Technical Education,
Chennai – 600 025.

5. The Secretary to Government of Tamil Nadu,
Higher Education Department,
Chennai – 600 009. .. Respondents in both petitions

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PRAYER : Appeal filed under Clause 15 of Letters Patent against the order dated 08.06.2016 made in W.P.No.18356 of 2016 on the file of this Court.

WP.No.18356/2016: Writ Petition filed under Article 226 of the constitution of India praying for issuance of a writ of certiorarified Mandamus Calling for the records of the 1st respondent in File No. SRO/1- 697567321/AB dated 30.04.2016 and quash the same and direct the 1st respondents to grant Extension

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of Approval for the Academic year 2016-17 and to permit the petitioner to admit students for the academic year 2016-17 in Sri Muthukumaran Institute of Technology Mangadu Chennai-600 069.

PRAYER : Writ Petition No.34061 of 2016 filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records of the third respondent in File No.LR.No.297/CAI/AU/2016, dated 10.8.2016 and quash the same and direct the third respondent to grant affiliation to Sri Muthukumaran Institute of Technology, Mangadu, Chennai - 600 009 without insisting on Extension of Approval from the first respondent and register all the students admitted in the petitioner Institute and permit them to take examination for the academic year 2016 - 17 within the time fixed by this Court.

PRAYER : Writ Petition No.34062 of 2016 filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records of the first respondent in File No.SRO/1-697567321/AB dated 01.8.2016 and quash the same and direct the first respondent to grant extension of Extension of Approval to Sri Muthukumaran Institute of Technology, Chikkarayapuram, near Mangadu, Chennai - 600 069 for the academic year 2016 - 17 within the time limit to be fixed by this Court and regularize the students admitted pursuant to the Hon'ble Courts order dated 20.6.2016 in CMP.Nos.9412 and 9413 of 2016 in W.A.No.716 of 2016.

For Appellant in WA.716/2016 & Petitioner in WPs.	Mr.G.Masilamani Senior Counsel for M/s.N.Saraswati
For Respondents.. in WA	Mr.AR.L.Sundaresan Senior Counsel for M/s.AL.Gandhimathi for R1 & R2 Mr. M.Vijasekumar, R3 in WA 716/2016 Mr.L.P.Shanmugasundaram for in WP.34061,34062/2016 and WA R4 & R5 Mr.R.Vijayakumar R3 for in WA and Wps Mr. Rabu Manohar 1 and 2 in WP.34061,34062/2016

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COMMON JUDGMENT

(Judgment of the Court was made by The Hon'ble Acting Chief Justice)

Being aggrieved by the order of the learned Single Judge dated 03.06.2016 in w.P.No.18356 of 2016, the unsuccessful petitioner has preferred W.A.No.716 of 2016.

2. In furtherance of the direction issued by this Court dated 20.6.2016 in C.M.P.Nos.9412 and 9413 of 2016 in W.A.No.716 of 2016 pending disposal of the writ appeal, the students have pursued their course and appeared for the examination. Even then, the AICTE has not taken any decision on the merits of the case and rejected the case of the appellant-institution on technical grounds only.

3. In the order dated 20.6.2016 made in the aforesaid CMPs, this Court observed that it is for the AICTE to accord approval for the academic year 2016 -2017 and to inspect the documents, which are sought to be produced by the appellant-institution regarding the sale deed, in lieu of leases for 99 years. It was also observed that the AICTE to examine the document and if need be to inspect the College further for due compliance by the appellant-institution of the seven deficiencies pointed out by AICTE.

4. After passing of the aforesaid interim order by this Court, the first respondent, vide impugned order dated 01.8.2016, passed an order of status quo i.e. no admission for the academic year 2016 - 2017 in respect of the appellant-institution. W.P.No.34062 of 2016 has been filed by the petitioner seeking to quash the order of the first respondent dated 01.8.2016 and to direct the first respondent to grant Extension of Approval to the petitioner for the academic year 2016 - 2017 within the time and regularize the students admitted pursuant to the order dated 20.6.2016 made in C.M.P.Nos.9412 and 9413 of 2016 in W.A.No.716 of 2016.

5. The Anna University has passed the impugned order on 10.8.2016 that approval from AICTE is a pre-requisite for the University every year to grant affiliation as per Sections 6 and 7 of the Statutes for Affiliation, published in Gazette of Tamil Nadu (2004). W.P.No.34061 of 2016 has been filed by the petitioner seeking to quash the order of the third respondent dated 10.8.2016 and to direct the third respondent to grant affiliation to Sri Muthukumaran Institute of Technology without insisting on Extension of Approval from the first respondent and to register all the students admitted in the Institute and permit them to take examination for the academic year 2016 - 2017.

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6. The learned counsel for the appellant-institution submits that all the requirements of AICTE have been complied with and instead of considering the case of the appellant-institution, the AICTE on a technical ground rejected the case of the appellant, which appears to be totally unacceptable.

7. In so far as the consideration of the candidates for admission is concerned, it is submitted that pursuant to the direction issued by this Court, almost all the deficiencies pointed out by the AICTE have been complied with. After the interim orders, about 50 students have been admitted to the College and the respondents ought to have given approval to the appellant-institution for the year 2016-2017 and the appellant-institution cannot be placed under "no admission" category. The approach of the AICTE in postponing the approval for one reason or the other appears to be totally unwarranted. The appellant-institution is in existence for more than 10 to 15 years and also admitted the students for the courses and on technical grounds only the AICTE is postponing the approval. The appellant-institution should not be penalised for the delay caused by AICTE and the AICTE cannot take advantage of its own wrong and punish the appellant-institution.

8. On hearing the learned counsel for the parties and especially taking note of the fact the appellant has rectified the deficiencies pointed out by the respondent authorities and their case has not been considered on merits despite specific direction issued in C.M.P.Nos.9412 & 9413 of 2016, we direct the AICTE to re-consider the case of the appellant on merits for accord approval to the admission of the students, if not already accorded. The respondent authorities are also directed to publish the results.

9. With the above said observation and direction, the writ appeal and the writ petitions are disposed of, leaving the parties to bear their own costs. Consequently, all connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

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Chennai - 600 025.
5. The Secretary to Government of Tamil Nadu,
Higher Education Department,
Chennai - 600 009.

+1cc to Mr.M. Vijayakumar, Advocate, S.R.No.19320
+1cc to Mr.L.P. Shanmugha Sundaram, Advocate, S.R.No.19192
+2cc to Mr. B. Saraswathi, Advocate Sr.No.19068, 19069
+1cc to M/s. A.L. Ganthimathi, Advocate Sr.No.19094

vsn(CO)
md(04/04/2017)

W.A.No.716 of 2016
and W.P.Nos.34061 & 34062 of 2016

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