

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.10.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal Nos.839 & 840 of 2016

The Chairman
All India Council for Technical Education
7th Floor, Chandralok Building
Janpath, New Delhi 110 001. 1st Appellant in
.. both W.As.

The Regional Officer
Southern Regional Officer
All India Council for Technical Education 2nd Appellant in
26, Haddows Road W.A.No.839/16 &
Shastri Bhavan 3rd Appellant in
Chennai 600 006. .. W.A.No.840/16

The Director (Approval Bureau)
All India Council for Technical Education
7th Floor, Chandralok Building 2nd Appellant in
Janpath, New Delhi 110 001. .. W.A.No.840/16

Vs.

Suthanthira Polytechnic College
rep. by its Chairman P.Ashok Kumar
No.143, First Main Road
KKR Garden, Madhavaram Respondents in
Chennai 600 060. .. both W.As.

Appeals under Clause 15 of the Letters Patent filed against the common order dated 10.9.2015 made in W.P.Nos.20367 and 21591 of 2015.

WP.No.20367 of 2015:Petition presented to thsi court to
(1) issue a Writ of Mandamus to direct the respondents to consider the representation dated 26/06/2015 and grant extension of approval (EOA) to the Petitioner institution for the academic year 2015-2016.

2) Writ of Certiorarified Mandamus to call for the records relating to impugned proceedings dated 07.04.2015 made in No. F.No. Southern/1-2451662542/ 2015/ LOR-Chapter 2 by 1st respondent and dated 30.04.2015 made in F.No.Southern/2015/ 1-2451662542-LOR 1st respondent and dated 02.07.2015 made in File

No. SRO/2011-12/ 1-423082411 by 2nd respondent and quash the same and consequentially further direct the respondents to grant extension of approval for the academic year 2015-16 to the petitioner.

For Appellant : Mrs.AL.Gandhimathi
For Respondents : Mr.Naveen Kumar Murthy
For Mr.K.Ramasamy

J U D G M E N T
(Delivered by RMT.Teekaa Raman,J)

The writ appeals are directed against the common order dated 10.9.2015 made in W.P.Nos.20367 and 21591 of 2015.

2. Challenging the correctness of the order passed by the learned single Judge, whereby the impugned order rejecting the application of the respondent has been set aside by the learned single Judge, the appellants have come up with the above appeals.

3. The factual matrix of the case is that the respondent is an existing College for Engineering. It appears that when the respondent College submitted application for extension of approval on 02.3.2015 online, instead of pressing the option for "extension", the staff has virtually pressed the option for "closure". However, they have paid Rs.1.00 Lakh fees prescribed for extension of approval, when a sum of Rs.2.00 Lakhs have to be paid for closure. After coming to know the mistake committed during the submission of application online, the respondent College has sent mail to the appellants herein on 16.3.2015. However, without considering the same, the impugned order was passed on 07.4.2015 treating the application as one for closure.

4. The learned single Judge has taken note of the fact that the respondent has only paid a sum of Rs.1.00 Lakh, being the prescribed fee for extension of approval and not a sum of Rs.2.00 Lakhs which is the prescribed fee for closure and also the fact that the respondent College is not a new institution and observing that the appellants, before passing the impugned order on 07.4.2015, had not considered the request of the respondent for rectification, made on 16.3.2015 by way of email, allowed the writ petitions, which, in our considered view, is factually correct and thus, the order of the learned single Judge cannot be interfered with.

5. Further the contention of the learned counsel for the appellants that the application has been received after the cut

off date fixed for submission of application does not apply to the facts of this case as the case on hand is only for extension of approval, which has been made on time and hence, we do not find any ground to interfere with the order of the learned single Judge. Accordingly, the writ appeals are dismissed. There shall be no order as to costs. Consequently, CMP Nos.10794 and 10795 of 2016 are also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kpl

To

The Chairman
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The Director (Approval Bureau)
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+1 cc to M/s.AL.Gandhimathi Advocate sr 74701
+1 cc to Mr.K.Ramasamy Advocate sr 74865,74866

W.A.Nos.839 & 840 of 2016.

nm(co)
aa27/11/2017