



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.A. (MD) Nos. 1055, 1056 & 1057 of 2017
against WP (MD) Nos. 10855 to 10857 of 2017
and

C.M.P. (MD) Nos. 7392, 7693, 7393, 7723, 7394 & 7722 of 2017

The Anna University,
Rep by its Registrar,
Chennai-600 025.

... Appellant in all W.A's/
Respondent in all WPs

Vs.

1. A.R. College of Engineering and Technology,
Rep by its Principal, Kadayam to Alangulam Road,
Therkkumadathur Post,
Tirunelveli District-627 423.

... Respondent in W.A. (MD) No. 1055 of 2017/
Petitioner in WP (MD) No. 10855/2017

2. Satyam College of Engineering and Technology,
Rep by its Chairman,
Satyam Nagar, Aralvaimozhi,
Kanyakumari District-629 301.

... Respondent in W.A. (MD) No. 1056 of 2017/
Petitioner in WP (MD) No. 10856/2017

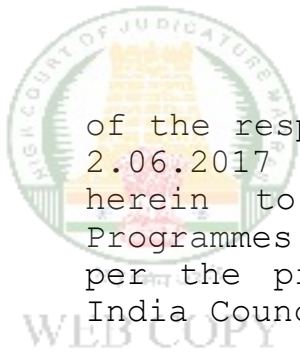
3. Maria College of Engineering and Technology,
Rep by its Principal,
Attoor, Thiruvattar Post,
Kanyakumari District-629 177.

... Respondent in W.A. (MD) No. 1057 of 2017/
Petitioner in WP (MD) No. 10857/2017

COMMON PRAYER: Writ Appeals filed under Clause 15 of Letter Patent,
against the order dated 18.07.2017 made in W.P. (MD) No. 10855 of 2017,
W.P. (MD) No. 10856 of 2017 and W.P. (MD) No. 10857 of 2017.

Prayer in WP (MD). 10855/ 2017 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Certiorari/Mandamus calling for the records relating to the
impugned order of the respondent in Lr.No.159/CAI-
Defect.Colleges/AU/2017-19 dated 14.05.2017 and the impugned order



of the respondent in Lr.No.159/CAI-Deficit.Colleges/AU/2017-19 dated 2.06.2017 quash the same and consequently direct the respondents herein to permit the petitioner to continue the Educational Programmes in UG and PG Programme for the academic year 2017-2018 as per the proceedings of extension of approval granted by the All India Council for Technical Education dated 30.03.2017.

Prayer in WP(MD). 10856/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in Lr.No.159/CAI-Deficit.Colleges/AU/2017-29 dated 14.05.2017 and the impugned order of the respondent in Lr.No.159/CAI-Deficit.Colleges/AU/2017-29 dated 2.06.2017 quash the same and consequently direct the respondents herein to permit the petitioner to continue the Educational Programmes in UG and PG Programme for the academic year 2017-2018 as per the proceedings of extension of approval granted by the All India Council for Technical Education dated 30.03.2017.

Prayer in WP(MD). 10857/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified mandamus calling for the records relating to the impugned order of the respondent in Lr.No.159/CAI-Deficit.Colleges/AU/2017-24 dated 14.05.2017 and the impugned order of the respondent in Lr.No.159/CAI-Deficit.Colleges/AU/2017-24 dated 02.06.2017 quash the same and consequently direct the respondents herein to permit the petitioner to continue the Educational Programme in UG and PG Programmes for the academic year 2017-2018 as per the proceedings of extension of approval granted by the All India Council for Technical Education dated 30.03.2017.

For Appellant

(in all W.A's)

: Mr.M.Rajarajan

For Respondents

(in all W.A's)

: Mr.Veera kathiravan

Senior Counsel

for M/s.Veera Associates

COMMON JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

The Anna University has filed these writ appeals challenging the common order dated 18.07.2017 made in W.P.(MD)No.10855, 10856 &10857 of 2017 filed by the respective respondents.

2.The respondents herein are Engineering Colleges affiliated to the appellant university. They were duly recognised by All India Council for Technical Education(AICTE). The writ petitioners received a communication from the appellant that they should apply



for continuation of affiliation for the academic year 2017-18 and inspection was conducted and based on report of the inspection committee, the appellant university sent a communication that deficiencies had been noted and minimum criteria stipulated by the university have not been fulfilled.

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3.The appellant university made it clear that some more infrastructural facilities are required for a consideration of continuing the affiliation for the academic year 2017-18. Thereupon the writ petitioners gave detailed representations pointing out compliance and rectification of the deficiencies already indicated.

4.The case of the writ petitioners was that though all the requirements stipulated have been fulfilled yet the impugned proceedings were issued reducing the in-intake of the students strength for some of the courses and denying total admission for PG courses. The writ petitioners were directed to furnish documentary evidence indicating compliance of the requirements highlighted by the inspection committee. Thereupon, a detailed compliance report was submitted by the writ petitioners on 02.05.2017. But without taking note of the said compliance report, the impugned orders dated 14.05.2017 were passed reiterating the earlier proceedings dated 28.04.2017. The said orders dated 14.05.2017 were challenged by the three colleges in the aforesaid writ petitions.

5.The learned Judge by order dated 18.07.2017 disposed of the Writ Petitions by directing the appellant university to conduct a fresh inspection on or before 25.07.2017 and to pass order afresh on or before 31.07.2017. Aggrieved by the said order dated 18.07.2017, the present Writ Appeals were filed and interim orders were obtained.

6.Heard the learned counsel for the appellant and the learned Senior Counsel for the respondent colleges.

7.The learned Senior Counsel pointed out that even though the writ petitioners had submitted rectification reports dated 02.05.2017, the same were not even referred to in the impugned orders dated 14.05.2017.

8.We carefully perused the contents of the impugned orders. It is very much true that the impugned orders have been passed without taking note of the compliance reports submitted by the writ petitioners. Even though, the impugned orders are liable to set aside on that ground, we are not in a position to grant any relief to the respondents. This is because of the lapse of the time schedule stipulated by the Hon'ble Supreme Court in **Parshvanath Charitable Trust V. All India Council 2013 (3) SCC 385**. As per the said decision, the last date for granting or refusing approval by the University/State Government is 15th May. In the present case the refusal order was passed on 14.05.2017, itself. The last date upto which the students can be admitted is 15th August. Eventhough it is



submitted that this date has been extended to 31.08.2017 for the current year, still the respondent herein may not be able to avail the said benefit. Even the learned Judge had only remitted the matter for fresh consideration by the appellant university. The said extended date is hardly of any avail. It is impossible to constitute a fresh inspection committee for conducting the inspection obtain submission of report and pass fresh orders within that time. All these processes are really time consuming and therefore, the last date stipulated by the Supreme Court cannot be adhered to. The Hon'ble Supreme Court has categorically directed that no admission can be granted after the expiry of the cut off date, whatever be the reason or ground.

9. In view of this situation, this Court has to necessarily set aside the order dated 18.07.2017 made in W.P.(MD)Nos.10855,10856 &10857 of 2017 and allow these Writ Appeals. No Costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Principal,
A.R.College of Engineering and Technology,
Kadayam to Alangulam Road,
Therkkumadathur Post,
Tirunelveli District-627 423.
2. The Chairman,
Satyam College of Engineering and Technology,
Satyam Nagar, Aralvaimozhi,
Kanyakumari District-629 301.
3. The Principal,
Maria College of Engineering and Technology,
Attoor, Thiruvattar Post,
Kanyakumari District-629 177.

+ 3 CC TO Mr.R.RAJARAJAN, ADVOCATE IN SR No. 74482 TO 74484
+ 3 CC TO M/s.VEERA ASSOCIATES, IN SR No. 74500

RMI

TE/JC/SAR-II : 25/09/2017 : 4P/10C

JUDGMENT MADE IN
W.A. (MD)Nos.1055,1056 &1057/2017
against WP(MD)Nos.10855 to 10857 of 2017
C.M.P. (MD)Nos.7392,7693,7393,7723,7394 & 7722/2017
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