

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

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THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.1164 of 2018
and
C.M.P.No.9711 of 2018

Good Shepherd Educational Trust,
rep.by its Managing Trustee,
Mr.G.D.Mitra,
No.28/81-3, North Street, Marthandam-629 165,
Kanniyakumari District. Appellant

-vs-

- 1.The Vice Chancellor,
Anna University,
Sardar Patel Road,
Chennai-600 025.
- 2.The Registrar,
Anna University,
Sardar Patel Road,
Chennai-600 025.
- 3.The Director,
Centre for Affiliation of Institution,
Anna University, Sardar Patel Road,
Chennai-600 025.
- 4.All India Council for Technical Education,
rep.by its Member Secretary,
Nelson Mandela Marg,
Vasant Kunj, New Delhi-110 067.
- 5.The Southern Regional Officer,
All India Council for Technical Education,
Haddows Road, Chennai-600 006.

(R4 and R5 impleaded as per the order
of this Court made in C.M.P.No.9711 of 2018
in W.A.No.1164 of 2018 dated 14.06.2018). ... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.12096 of 2018 dated 09.05.2018.

WP.No.12096 of 2018:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned letter sent by the second respondent in Lr.No.218/CAI/ AU/2018 dated 02.05.2018 and to the quash the same and consequently direct the respondents to grant affiliation to the Good Shepherd College of Engineering and Technology running under the petitioners educational trust and to list the college namely Good Shepherd College of Engineering and Technology in the counselling list of colleges for engineering admissions for the academic year 2018-2019

For Appellant :: Mr.V.Raghavachari for Mr.S.Joel

For Respondents:: Mrs.Narmadha Sampath,
Addl.Advocate General,
assisted by Mr.M.Vijayakumar,
Standing Counsel for Anna
University for R1 to R3

Mr.Rabu Manohar for R4 and R5

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellant herein filed a writ petition before this Court in W.P.No.12096 of 2018 praying to set aside the letter dated 02.05.2018 of the second respondent rejecting affiliation for the appellant-College for the academic year 2018-2019 on the ground of delay, and to consequently direct the respondents to grant affiliation to the appellant-College and to list the college in the counselling list of colleges for engineering admissions for the academic year 2018-2019.

2.The said writ petition was dismissed by this Court by order dated 09.05.2018 observing that the appellant had submitted the application for affiliation after a lapse of one month from the last date prescribed by the University in its brochure. Challenging the said order, the present writ appeal is filed.

3.The learned counsel for the appellant has submitted that the All India Council for Technical Education (AICTE) had permitted the appellant to admit the students for the academic year 2018-2019. It is his submission that Anna University is not

competent to grant approval for the Institution; the University is empowered to grant only affiliation. He also submitted that only after grant of approval by the All India Council for Technical Education, the affiliation has to be granted by Anna University in respect of Educational Institutions.

4.The learned Addl.Advocate General appearing on behalf of the respondent University has submitted that instructions were issued by the University along with its brochure for the purpose of grant of affiliation to the new colleges for the academic year 2018-2019 and according to the same, the completed application along with processing fees has to be submitted to the Director, Centre for Affiliation of Institutions, Chennai-600025 along with proof of submitting application to AICTE or COA for approval, on or before 31st March 2018. Under any circumstances, affiliation cannot be granted to a College without the fulfilment of academic and statutory requirement and beyond the closing date of admission.

5.In response to the above submission, the learned counsel appearing for the appellant has submitted that these instructions are applicable only in respect of affiliation to be granted by the respondent / University. However, the approval is to be granted by All India Council for Technical Education and therefore, the date fixed as 31.03.2018 by the University is inapplicable and further, no such last date was fixed by All India Council for Technical Education for submitting the application. He also submitted that All India Council for Technical Education Approval Process Hand Book for the academic year 2018-2019 states that 15th May of the Calendar year is the last date to be followed for the purpose of receiving an application.

6.The learned Addl.Advocate General, in reply to the above submission, submitted that the application submitted by the appellant is for affiliation and the same was dealt in accordance with the procedures set out in the format of application for affiliation of new colleges in the academic year 2018-2019. Further, it is contended that the last date for submitting the application is fixed as 31.03.2018 and the appellant has submitted the application only on 29.04.2018 and hence, the same was returned back to the appellant. There is no infirmity as such in respect of passing of the order rejecting the affiliation, as it has been passed strictly by following the instructions published.

7.When this matter came up before this Court on 05.06.2018, this Court observed that the application of the appellant has to be considered by the University, taking note of the financial burden of the appellant in establishing the institution and in view of the fact that the appellant has submitted the application immediately on the next day of the grant of approval

by the AICTE. Therefore, a direction was issued to the University to conduct inspection of the appellant-Institution without prejudice to their rights in the case and to submit a report on 08.06.2018.

8.Today, when the matter has been taken up, a letter dated 11.06.2018 in Lr.No.258/CAI/AU/2018 addressed by the Anna University to its Standing Counsel, has been produced before this Court in which the University has stated that the document produced by the appellant in respect of the legal opinion on the ownership of lands and the extent of coverage belonging to the said institution, is found to be as per the norms of the University. It is also stated that Land Conversion Certificate from the Directorate of Town and Country Planning is still pending and hence the University will be in a position to grant provisional affiliation to the four courses in the appellant-College only when the Land Conversion Certificate obtained from DTCP is submitted to the University.

9.Various guidelines have been issued by the Hon'ble Supreme Court from time to time, in respect of affiliations, only in order to maintain discipline in the matter of technical education and to protect the interest of the students who are admitted. In the present case, originally the appellant intended to establish the institution and after following the norms and procedures, obtained approval from the apex body, ie., All India Council for Technical Education for the two academic years, ie., 2018-2019 and 2019-2020. Considering the calender of events and the infrastructural facilities, the said approval was granted. The last date fixed for processing the applications submitted for approval was 10.04.2018. However, the last date fixed by the University to submit the application for affiliation along with AICTE approval was 31.03.2018. But it appears that the appellant has got the approval of AICTE only on 28.04.2018 and immediately on the next day, the appellant has submitted the application to the University. However, since the last date fixed was 31.03.2018, the application was rejected. Therefore, we directed the University to conduct inspection of the appellant-Institution without prejudice to their rights in the case and to submit a report on 08.06.2018.

10.At this juncture, the letter dated 11.06.2018 of the Anna University has been produced in which it is stated that Land Conversion Certificate from the Directorate of Town and Country Planning is still pending and hence the University will be in a position to grant provisional affiliation to the four courses in the appellant-College only when the Land Conversion Certificate obtained from DTCP is submitted to the University.

11.Now the ball is in the Court of the University. We are of the view that without disturbing the calender of events that has

to be followed as per the guidelines laid down by the Apex Court from time to time and also in the interest of the students who have to be admitted, it is for the University to look into the aspect as to whether the appellant has fulfilled all the requirements and then include the name of the appellant in the portals of the Anna University for Engineering Admissions for the academic year 2018-2019, at the earliest and to do the needful in accordance with law.

12.The writ appeal is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KM
To

- 1.The Vice Chancellor,
Anna University,
Sardar Patel Road,
Chennai-600 025.
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- 5.The Southern Regional Officer,
All India Council for Technical Education,
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+1 cc to Mr.Vijayakumar Advocate sr 38022
+1 cc to M/s.Joel Advocate sr 37414

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aa22/06/2018