

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10359 of 2018

and

W.M.P..Nos.12331 and 12332 of 2018

Dr.SNS Rajalakshmi College of
Arts and Science,
486, Thudiyalur-Saravampatti Road,
Chinnavedampatti Post,
Coimbatore-641 049,
Rep. by its Director Dr.V.Kathiresan Petitioner
Vs.

1. The Regional Officer,
All India Council for Technical Education (AICTE),
Shastri Bhavan,
Haddows Road,
Chennai-600 006.
2. The Director,
Approval Bureau,
All India Council for Technical Education (AICTE),
Nelson Mandela Marg,
Vasant Kunj,
New Delhi-110 007. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in F.No.AICTE/AB/SR/PID 1-4966091-2018-19, dated 23.11.2017 and confirmed in F.No.AICTE/AB/SR/PID 1-4966091/2018-19 dated 10.04.2018, quash the same and further direct the respondents to grant extension of approval to the petitioner institution, namely, Dr.SNS Rajalakshmi College of Arts & Science, Coimbatore, for the Academic Year 2018-19 for MBA and MCA Courses by accepting the planning permission granted by the Executive Officer, Chinnavedampatti Town Panchayat, Saravanampatti, Coimbatore, dated 11.03.2001, 17.05.2001, 20.01.2006 and 09.10.2006.

For petitioner : Mr.K.Sridhar
For respondents : Mr.B.Rabu Manohar

ORDER

The petitioner-College has filed this Writ Petition for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in F.No.AICTE/AB/SR/PID 1-4966091-2018-19, dated 23.11.2017 and confirmed in F.No.AICTE/AB/SR/PID 1-4966091/2018-19 dated 10.04.2018, quash the same and further direct the respondents to grant extension of approval to the petitioner institution, namely, Dr.SNS Rajalakshmi College of Arts & Science, Coimbatore, for the Academic Year 2018-19 for MBA and MCA Courses by accepting the planning permission granted by the Executive Officer, Chinnavedampatti Town Panchayat, Saravanampatti, Coimbatore, dated 11.03.2001, 17.05.2001, 20.01.2006 and 09.10.2006.

2. When the Writ Petition is taken up for hearing, learned Standing Counsel appearing for the respondents/AICTE fairly stated that the issue involved in this Writ Petition is covered by a decision of this Court (Madurai Bench) reported in 2015 (2) LW 601 (Kaviyan School Vs. The Director of Matriculation Schools), in and by which, the Writ Petition was allowed, and the said order of this Court reported in 2015 (2) LW 601 (cited supra), was modified by a Division Bench of this Court reported in 2015 (5) LW 101 (The Director of Matriculation Schools Vs. Kaviyan School), wherein the Division Bench observed as follows:

"13. The order of the learned Single Judge, setting aside the entire impugned proceedings of the appellant, dated 18.11.2014, may not be justified. The only issue that has been addressed is whether a separate approval should be granted by the Town and Country Planning Authorities. Proviso to Rule 25 of the Rules makes it clear that executive authority, namely, village panchayat, should do an act in a particular manner. There is no prescription in the Rules that the School concerned should seek approval, directly from the Town and Country Planning Authorities. Therefore, such a requirement in the impugned proceedings is unwarranted. That, however, does not preclude the Director of Matriculation Schools, the appellant herein, from asking relevant particulars from the Panchayat concerned or the Town and Country Planning Authorities and find out whether approval is granted, in the manner that law requires. In case, the village panchayat,

for some reason, has not done its duty, the Director of Matriculation Schools can very well call upon the panchayat to get approval from the Town and Country Planning Authorities or write to the District Collector or any other competent authority to take action on the said person, in accordance with law, so that defects can be cured.

14. As has been pointed by Mr.B.Pugalendhi, learned Special Government Pleader appearing for the appellant, before grant of recognition, it is incumbent on the educational authorities to indicate what are all the requirements the law requires and the directions of the Hon'ble Supreme Court in Avinash Mehrotra (Avinash Mehrotra Vs. Union of India - 2007 (6) SCC 398), cited supra, have been complied with by the Schools, while seeking recognition and what are the requirements/directions yet to be complied with by the schools. We expect the educational authorities that before granting recognition, they should be very clear whether all the requirements of law/defects pointed out have been complied with by the schools who seek approval and thereupon, take a decision, in either way. We, therefore, modify the order of the learned Single Judge to the effect that the application of the respondent School for recognition should be considered in the parameters of the various guidelines issued by the Government and in the light of the decision of the Hon'ble Supreme Court in Avinash Mehrotra Vs. Union of India, reported in (2007) 6 SCC 398 and after getting clarification from the concerned Panchayat or from the Town and Country Planning Authorities, whether building plan approval has been granted to the respondent school, as required under law. Therefore, the respondent school be informed about the status, so that they can work out their remedy. For compliance, the appellant is directed to clarify all these issues to the respondent school, by a letter, within two weeks from the date of receipt of a copy of this order and the respondent school shall comply with the same within four weeks thereafter. On receipt of the reply, the

appellant shall consider the same and pass appropriate orders, expeditiously.

15. The writ appeal stands disposed of, with the above modification. No order as to costs. Connected miscellaneous petition is closed."

3. It is further stated by the learned Standing Counsel appearing for the respondents that the approval/permission for the construction in question, has already been obtained from the Town and Country Planning authority/Executive Officer/President of the Village Panchayat/competent authority.

4. In view of the above fair statement made by the learned Standing Counsel appearing for the respondents, and as the issue is covered by the said Division Bench decision of this Court, without going into the further aspects of the matter, the Writ Petition is allowed to the extent indicated above. With regard to any other condition that needs to be complied with or fulfilled by the petitioner-College, the same shall be complied with by them and the petitioner-College shall also duly adhere to the observations made by the Division Bench extracted supra. No costs. Consequently, W.M.Ps. are closed.

//True Copy//

Sd/-
Assistant Registrar(CS IX)

Sub Assistant Registrar

CS
To

1. The Regional Officer,
All India Council for Technical Education (AICTE),
Shastri Bhavan, Haddows Road, Chennai-600 006.
2. The Director, Approval Bureau,
All India Council for Technical Education (AICTE),
Nelson Mandela Marg,
Vasant Kunj, New Delhi-110 007.

+1 cc to M/s.K.Sridhar Advocate sr 30600
+1 cc to M/s.K.Sridhar Advocate sr 30604
+1 cc to M/s.B.Rabu Manohar Advocate sr 30603

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