

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5129 of 2018

AVC Education Committee  
represented by its Secretary  
Mannampandal  
Mayiladuthurai Town  
Nagapattinam District 609 305  
Tamil Nadu

..Petitioner

-vs-

1. All India Council for Technical Education  
rep.by its Adviser-I (Approval Bureau)  
Nelson Mandela Marg  
Vasant Kunj, New Delhi 110 067

2. The Regional Officer  
Southern Regional Office  
No.26, Haddows Road, Shastri Bhavan  
Chennai 600 006

3. The Commissioner of Technical Education (FAC)  
Directorate of Technical Education  
Guindy, Chennai 600 032

..Respondents

Petition under Article 226 of the Constitution of India,  
praying for the issue of a Writ of Certiorarified Mandamus,  
calling for the records of the third respondent in Letter  
No.40288/H4/2015 dated 5.10.2017 and quash the same as illegal  
and consequently direct the respondents to issue diploma  
certificates for the petitioner institution students admitted in  
the academic year 2014-15 within the time limit framed by this  
Hon'ble Court.

For Petitioner :: Mr.K.M.Vijayan  
Senior Counsel for  
M/s K.M.Vijayan Associates

For Respondents :: Mrs.AL.Ganthimathi  
Standing Counsel for R1  
Mrs.P.Rajalakshmi  
Additional Government Pleader  
for R3

No appearance for R2

ORDER

This writ petition has been filed questioning the correctness of the letter dated 5.10.2017 issued by the Commissioner of Technical Education (FAC), the third respondent herein requesting the petitioner to produce the AICTE extension of approval for the year 2014-15.

2. Learned senior counsel for the petitioner submitted that when the Government of Tamil Nadu had permitted the petitioner Trust to start a polytechnic college from the academic year 1983-84 and granted permission for conducting the three year diploma course with a total intake of 180 students initially, the All India Council for Technical Education also has granted approval to the petitioner polytechnic by a letter dated 13.5.94 to conduct the diploma course subject to fulfillment of certain conditions from time to time. Since the extension approvals also have been granted for every year from 1994 to 2013-14 and 2017-18, citing a reason that the petitioner institution failed to fulfil certain deficiencies, placed the petitioner institution under no admission category by order dated 17.4.2014 for the academic year 2014-15 and referred the matter to the scrutiny committee for verification as to the compliance of deficiencies. One of the main reason cited to place the petitioner institution under no admission category is with regard to the dispute in respect of the grant of approval under Section 34 of the H.R. & C.E. Act for the purchase of land from the Dharmapuram Adheenam Mutt, Mayiladuthurai. Therefore, the petitioner filed W.P.No.13575 of 2014 seeking a mandamus not to place the petitioner institution under no admission category on the dispute with regard to the land and building. This Court, by order dated 5.3.2015, directed the respondents therein not to place the petitioner institution under no admission category on the ground of dispute with regard to the land and building, since the said issue is sub judice in the pending W.P.No.30899 of 2012. On the basis of the order passed by this Court, the petitioner institution also admitted the students and they have also undergone the course and appeared for the examinations and successfully completed the diploma course for the years 2014-15 and 2015-16. Thereafter, on publishing of the results, they have also been issued with the provisional certificates, however, since the diploma certificates have not been issued, the innocent students, who are not aware of the pending lis between the petitioner and Dharmapuram Adheenam Mutt, cannot be penalised. As the students are hailing from backward areas, more particularly, from rural background, a direction may be issued to the third respondent to issue the diploma certificates to the students who have completed the course for the academic years 2014-15 and 2015-16, he pleaded.

3. Mrs.AL.Ganthimathi, learned standing counsel for the first respondent submitted that since the land in question has been converted as educational institution without obtaining prior permission as contemplated under Section 34 of the H.R. & C.E. Act, as the land belongs to Dharmapuram Adheenam Mutt, without complying with the deficiencies indicated in respect of the land in question, the first respondent has not granted approval. Therefore, before getting approval, the petitioner ought not to have admitted the students either for the academic year 2014-15 or for the year 2015-16. In any event, she has stated that by virtue of the order passed by this Court, the students were permitted to write the examinations and subsequently, the results also have been declared and finally the provisional certificates also have been issued.

4. In that view of the matter, since the provisional certificates have been issued to the students who have completed the course for the years 2014-15 and 2015-16, this Court, taking note of the factor that most of the students are from backward areas, namely, from rural background, hereby directs the respondents to issue the diploma certificates to all the students of 2014-15 and 2015-16 batch on receipt of a copy of this order. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.6300 of 2018 is closed. No costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

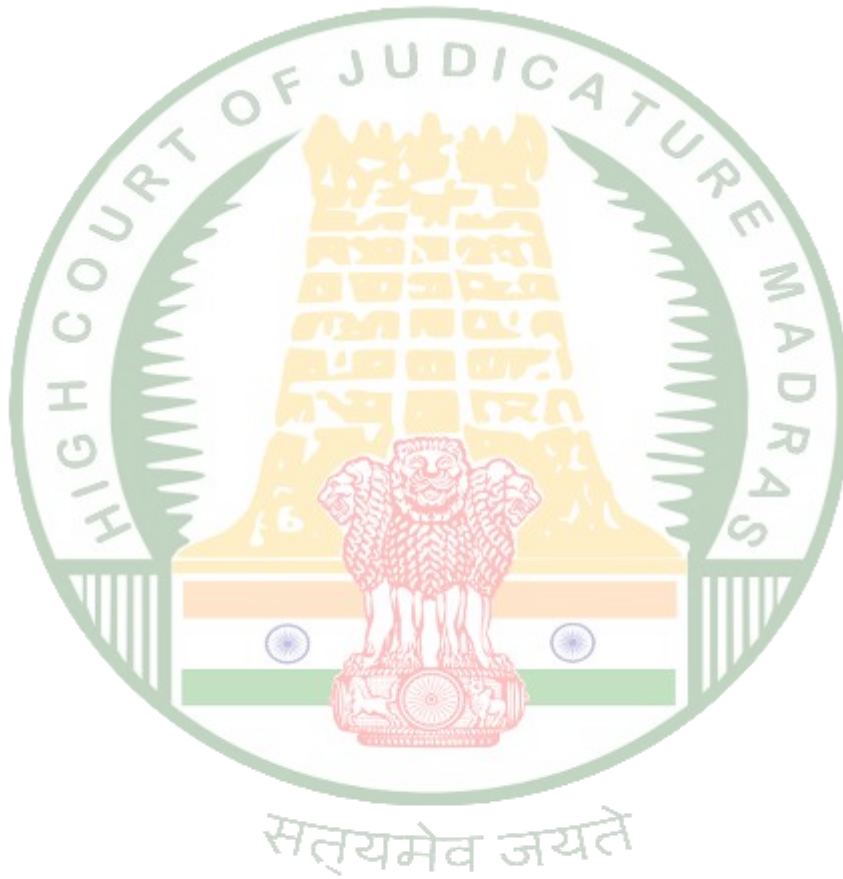
ss  
To

1. The Adviser-I (Approval Bureau)  
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+1 CC to M/s. K.M.Vijayan Associates sr 88852.  
+1 CC to Mrs.AL.Ganthimathi, Advocate sr 89200.  
+1 CC to Govt. Pleader sr 89451

W.P.No.5129 of 2018

SP(04/01/2019)



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