

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.10.2018

CORAM
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.20916 of 2016
and W.M.P.No.17921 of 2016

Institute for Social Services and Research
[Hilton School of Management]
Represented by its Executive Chairman
Prof.Samuel C.Mathivanan

... Petitioner

Versus

- 1.The Secretary,
Higher Education Department,
Ministry of Human Resources Development,
Shastribavan,
New Delhi.
- 2.All India council for Technical Education,
Represented by its Advisor-I (Approval)
7th Floor, Chander lok Building,
Janpath, New Delhi-110001.
- 3.The Regional Officer
Southern Regional Office-AICTE,
No.26,Haddows Road,
Sashtribawan,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus or any other appropriate Writ or Direction calling for records in the orders passed by the 2nd respondent in F.No.2/OC/Misc/2013/Hilton/AB dated 12.05.2014 and quash the same and further direct the 2nd respondent to extend the approval to the petitioner institute granted by the 2nd respondent in No. F 440/45-65/BOS(M)/94 dated 31.10.1994.

For Petitioner : Mr.T.Saravanan

For Respondents : Mrs.A.L.Ganthimathi
for R2 & R3

: No appearance for R1

O R D E R

This Writ Petitioner has been filed for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the second respondent dated 12.05.2014. By the impugned order dated 12.05.2014, the second respondent pursuant to an inspection and follow up actions found that the petitioner has not complied with certain deficiencies pointed out by the scrutiny committee. Therefore the Council has decided not to revoke the AICTE withdrawal order dated 25.06.1998 issued to the petitioner.

2. From the entire typeset, though the Council has duty to take all necessary steps for ensuring coordinated and integrated development of technical education and maintenance of standards has not inspected the petitioner's institution right from day one. The order of approval obtained by the petitioner on 31.10.1994 and the subsequent renewal do not show that the grant of approval or subsequent renewal was after physical verification of infrastructure and other institutional facilities.

3. Earlier by a proceedings of the All India Council for Technical Education dated 25.06.1998 approval granted to the petitioner was withdrawn and after that the petitioner's institution is not functioning. However, the petitioner requested the second respondent to withdraw the order dated 25.06.1998, after conducting fresh inspection and following other procedures. The second respondent took a decision not to revoke the withdrawal order dated 25.06.1998. Challenging the said order the petitioner has filed the above writ petition.

4. The case of the petitioner is that originally the petitioner has provided all facilities and infrastructure as per norms and that the second respondent granted approval only after satisfying the norms. It is further stated that the second respondent however without an application of mind has passed the impugned order without giving sufficient opportunity to the petitioner and without affording the opportunity of being heard.

5. The learned counsel appearing for the petitioner submitted further that the second respondent did not consider the admitted facts and the position that the petitioner's institution has fulfilled all the criteria prescribed by the second respondent. However, the respondents two and three filed a detailed counter inter alia pointing out the deficiencies noticed by the second respondent at the time of inspection by visiting committee. Various deficiencies were pointed out by the inspection team on every occasion and that was not rectified by the petitioner. The second respondent has narrated how the norms prescribed were not followed by the petitioner scrupulously.

6. It is the specific case of respondents two and three that the petitioner's institute not been able to create infrastructures as required by the AICTE norms and that the petitioner has filed the writ petition before this Court earlier to transfer the students to other approved institutions. Thereafter, the students were shifted to Vellore Engineering College, pursuant to the orders granted by this Court in W.P.No.1493 of 1998. Subsequently, the writ petitioner filed another Writ Petition in W.P.No.14116 of 2001 for issuance of Writ of Mandamus directing the respondents to permit the petitioner's institution to function and admit students for the academic course of PGDBA (Post Graduate Diploma in Business Administration) in the petitioner's institute.

7. Sum and substance this Court what this Court gather from the facts and material produced by this Court is that the question, whether the petitioner has satisfied all the norms and has provided all the infrastructures required. It is fairly admitted by the learned counsel appearing for the petitioner that there was no inspection, after the institution were not functioning from the year 1998.

8. In these circumstances, having regard to the pendency of earlier writ petition and this writ petition this Court is of the view that the petitioner can be permitted to run Institution only if it satisfy the norms and infrastructures as per the regulations in accordance with law.

9. As a result this writ petition is disposed of with the following direction:-

i) The petitioner is directed to apply for recognition before the second respondent to commence the course In Post Graduate Diploma in Business Administration with an intake of 60 afresh from the academic year 2019-2020.

ii) The second respondent shall consider the application after conducting physical inspection in accordance with regulations and norms and to pass final order after giving sufficient opportunity to comply with the defects if any for the next academic year, so that the petitioner may be in a position to admit students for the next academic year, if they are successful in getting approval.

10. The Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mpa/msvm

To

- 1.The Secretary,
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Ministry of Human Resources Development,
Shastribavan,
New Delhi.
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Chennai-600 006.

+lcc to Mr.T.Saravanan, Advocate, S.R.No.71779
+lcc to Mr.AL.Gandhimathi, Advocate, S.R.No.72700

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RK(CO)

rrs 13/11/2018



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