

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.23466 of 2018
and W.M.P.Nos.27381 & 27383 of 2018

San Academy of Architecture
Rep.by Mrs. T.Jayalakshmi,
Chairman, Sree Amman Trust.

... Petitioner

Versus

1. Anna University,
Represented by its Registrar,
Chennai-25.
2. The Director,
Centre for Affiliation for Institutions,
Anna University,
Chennai-25.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records on the file first respondent in Lr.No.226/CAI/AU/CR-Scrutiny failed/2018-15 dated 11.05.2018 and consequent impugned proceedings Lr.No.320/CAI/AU/2018 dated 21.08.2018 and quash the same.

For Petitioner : Mr. V.Raghavachari
for Mr.M.A.P. Thangavel

For Respondents : Mr.M.Vijayakumar
Standing counsel

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O R D E R

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the proceedings of the first respondent dated 11.05.2018 and the consequential order dated 21.08.2018 and to direct the respondent to forthwith pass an appropriate orders enabling the petitioner to continue intake of B.Arch(Architecture) course for the academic year 2018.

2 The petitioner has got approval for the course of B.Arch (Architecture) with intake of 40 seats from the Council of Architecture and the first respondent/Anna University for five years full time course. It is stated that the courses have been conducted successfully by the petitioner.

3 The first respondent University appointed an Inspection Committee to inspect the petitioner's institution and accordingly, an Inspection Team submitted a report. On the basis of the report of the inspection team, the first respondent found that there were some deficiencies and issued a show cause notice as to why action should not be taken against the petitioner to suspend/reduce in intake/withdraw the affiliation for the course to the academic year 2018-2019. The Management of the college was directed to rectify the deficiencies pointed out in the Annexure of the notice and submit a compliance report on or before 25.04.2018.

4 The petitioner college submitted that they have uploaded all the required documents after rectifying the deficiencies. It is further stated that by 18.04.2018, the deficiencies were rectified as particularly the deficiency in faculty and library were rectified as per the compliance report. It is further stated that the equipments and books were also purchased by the petitioner and a detailed compliance report was also submitted on 25.04.2018 along with bills and vouchers containing the details of books and equipments purchased. It is stated by the petitioner that there is no deficiencies at all after rectification pointed out by the petitioner in the compliance report dated 25.04.2018. It is further stated that the first respondent all of a sudden vide communication dated 11.05.2018 informed that deficiencies in library and laboratory continued to exists in relation to B.Arch (Architecture) course and that therefore, the sanctioned intake of 40 is reduced to 30 for the academic year 2018-2019. It is further stated that the Council of Architecture by their proceedings dated 30.05.2018 granted Extension of Approval for the year 2018-2019 for a period of five years with its original intake of 40. Since, the first respondent has reduced the intake of 40 seats to 30 seats for the year 2018-2019 contrary to the proceedings of Council, the petitioner has approached this Court by stating that by grant of approval by the Council of Architecture vide proceedings dated 30.05.2018, proceedings of the first respondent dated 11.05.2018 should be deemed to be revoked. It is further stated that the compliance report submitted by the petitioner on 25.04.2018 was not at all considered by the first respondent while passing the impugned order. Therefore, raising further grounds, the above writ petition was filed by the petitioner.

5 At the time of admission, the learned counsel for the petitioner has produced the typed set of papers containing the documents to prove that the petitioner has complied with the deficiencies. Hence, this Court recording the fact, passed an order on 07.09.2018 in the following lines:

"The learned Senior counsel appearing for the petitioner produced the record before this Court to show that the compliance report has been uploaded on 18.04.2018 and the compliance report was also submitted on 24.04.2018.

2 The university has pointed out that the major deficiency is only regarding laboratory and library and that the petitioner has not submitted the purchase invoice along with their compliance report, so as to enable them to make re-inspection.

3 The question whether the petitioner has submitted the purchase invoice along with the compliance report can be decided later. It is stated that the petitioner has complied with the deficiencies pointed out by the respondent before April 2018. This Court is of the prima facie view that the petitioner is entitled to get an order from the university for the academic year so that, the petitioner will be in a position to admit their students for this academic year. It is further stated that the last date for admission of students under Management Quota is extended by the Hon'ble Supreme Court.

4 Under such circumstances, in the interest of justice, this Court is inclined to pass the following direction:

The first respondent is directed to send an inspection team to conduct the inspection on or before 11.09.2018 on the petitioner's institution and to submit a report as to the compliance of deficiencies. Fees payable to the Inspection team shall be paid by the petitioner today.

5 Post the matter on 12.09.2018."

6 Pursuant to the order of this Court, the first respondent has constituted an inspection team and the inspection team inspected the petitioner's institution on 11.09.2018 and submitted a report before this Court. As per the report of the inspection team, it is seen that there is no deficiency.

7 The learned counsel for the petitioner states that the petitioner has already admitted the students subject to the provisional affiliation to be granted by the University to the academic year 2018-2019. The learned counsel further states that they are supposed to upload the details of admission on or before 20.09.2018.

8 Having regard to this fact that the second respondent University has found no deficiencies as on date and the second respondent has not verified compliance after the compliance report in April 2018, this Court is of the view that there is no impediment for the University to give provisional affiliation to the petitioner without reduction of any seats for the academic year 2018-2019. The impugned order of the first respondent confirming the rejection of intake from 40 to 30 is set aside and the first respondent is directed to pass appropriate orders for granting provisional affiliation to the petitioner so that, the admission given by the petitioner to the academic year shall be ratified by the University.

9 With the above direction, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS IX)
Dated: 14.09.2018

*** Corrected order
as per letter dated 18.09.2018
Sd/- Assistant Registrar(CS IX)
Dated: 18.09.2018.**

//True Copy//

Sub Assistant Registrar

rpl
To

1.The Registrar,
Anna University,Chennai-25.

2.The Director,
Centre for Affiliation for Institutions,
Anna University,Chennai-25.

+lcc to Mr.M.Vijayakumar, Advocate, S.R.No.63321

+lcc to Mr.Ma.P.Thangavel, Advocate, S.R.No.63750

To be substituted to the order
already despatched on 17.09.2018

W.P.No.23466 of 2018
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CS/14/09/18
SP(18/09/2018)