

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12287 of 2018
and W.M.P.Nos.14403 and 14404 of 2018

Dr.Kalam College of Pharmacy,
Administered by Unity Educational and
Charitable Trust, Rep. by its Secretary,
Periyanayagipuram, Avanam Post,
Peravurani Taluk, Thanjavur District-614 623.

... Petitioner

Vs.

1.The Member Secretary,
All India Council for Technical Education,
Nelson Mandela Marg. Vasantkunj,
New Delhi-110 070.

2.The Southern Regional Officer,
All India Council for Technical Education,
'Shastri Bhavan', 26, Haddows Road,
Nungambakkam, Chennai-600 006.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in F.No.Southern/2018/1-3688840281_LOR, dated 30.04.2018, to quash the same and further, to direct the respondents to process the application of the petitioner and to conduct necessary inspection by Expert Visit Committee (EVC), for the purpose of grant of recognition to the 4 year B.Pharm degree course proposed to be conducted by the petitioner institution for the academic year 2018-19, by accepting the planning permission granted by periyanayagipuram Panchayat dated 21.12.2011, pending grant of planning permission from DTCP.

For Petitioner : Mr.S.Srinivasan

O R D E R

The final letter of rejection issued by the All India Council for Technical Education for setting up of a new Technical Institute issued in proceedings dated 30.04.2018, is under challenge in this writ petition.

2. The learned counsel appearing on behalf of the writ petitioner relying on the report submitted by the District Collector made a submission that the writ petitioner has complied with all the conditions stipulated in the regulations. Further, it is contended that the Collector also satisfied with the infrastructure provided by the writ petitioner for the commencement of the institution, issued 'No objection certificate'.

3. On a perusal of the final letter of rejection dated 30.04.2018, it is seen that the All India Council for Technical Education has noted down 17 deficiencies in respect of the infrastructure and other requirements to be provided for the purpose of starting a new technical institution. Certain deficiencies are simple in nature and certain deficiencies are certainly vital. However, if any person prefers to start a technical institution, it is necessary that required building and other infrastructure facilities have to be kept ready for the commencement of the institution. It is not as if an institution shall be granted with the permission to start the courses without complying with the terms and conditions stipulated in the regulations for the commencement of a new technical institution. Thus, the compliance of all the infrastructure facilities are mandatory and the same cannot be dispensed with. The very purpose and object of stipulating such infrastructure facilities are to run the institution in its complete shape for the benefit of the students, who are studying in such institutions. Thus, this Court cannot compromise in respect of the infrastructure facilities and other facilities to be provided as per the regulations issued by the All India Council for Technical Education.

4. The learned counsel appearing for the writ petitioner now states that the deficiencies, which are all major, had already been complied with and only the minor deficiencies are yet to be completed.

5. In view of the submission, the writ petitioner is directed to comply with all the deficiencies cited in the final letter of rejection dated 30.04.2018. If any application/representation is submitted by the writ petitioner after complying with the deficiencies noted down in the proceedings dated 30.04.2018, then the respondents are bound to consider the case of the writ petitioner and pass appropriate orders on merits and in accordance with law without causing any undue hardship.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Comp)

//True copy//

Sub Assistant Registrar

abr

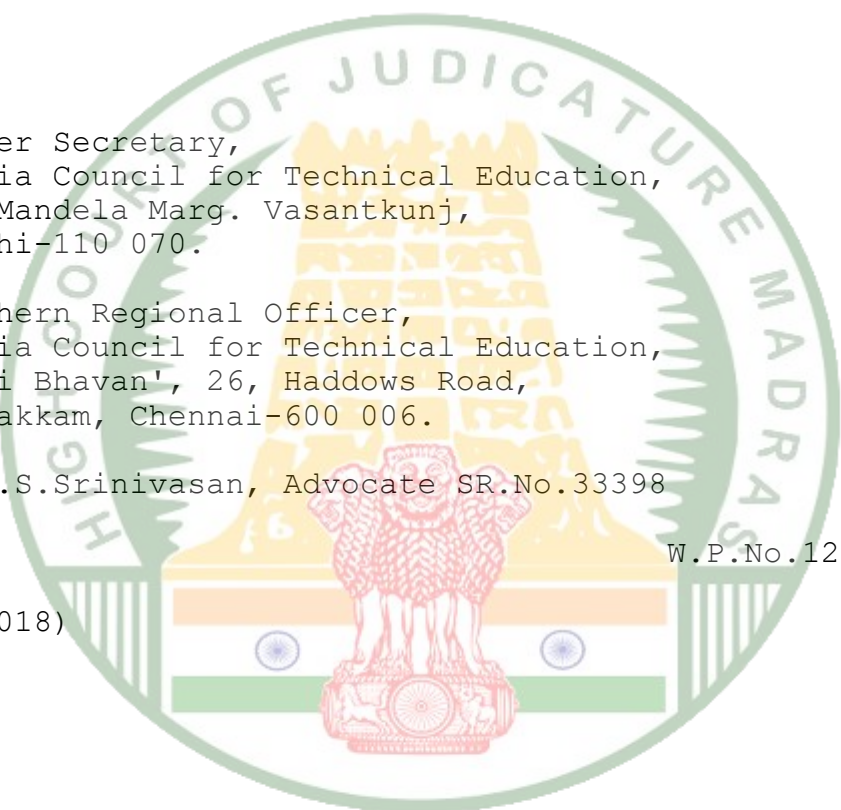
To

- 1.The Member Secretary,
All India Council for Technical Education,
Nelson Mandela Marg. Vasantkunj,
New Delhi-110 070.
- 2.The Southern Regional Officer,
All India Council for Technical Education,
'Shastri Bhavan', 26, Haddows Road,
Nungambakkam, Chennai-600 006.

+lcc to Mr.S.Srinivasan, Advocate SR.No.33398

W.P.No.12287 of 2018

RSK(CO)
GN(18/05/2018)



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