

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.02.2018

Coram

The Hon'ble Mr. Justice R. Subbiah  
and  
The Hon'ble Mr. Justice P.D. Audikesavalu

W.P. No.29432 of 2011 & M.P.No.2 of 2011  
W.P.No.29593 of 2011 & M.P.Nos. 1 to 3 of 2011  
W.P.No.1107 of 2012 & M.P.Nos.1 to 3 of 2012  
and  
W.P.No.4008 of 2015  
and M.P.Nos.2 and 3 of 2015

1. Consortium of Self Financing  
Professional Arts and Science  
Colleges in Tamil Nadu  
rep. by its Secretary, Dr. P.Selvaraj.  
Old No.12/New No.29, Ganapathy Street,  
Royapettah, Chennai - 600 014.  
...Petitioner in W.P.No.29432 of 2011  
and wp.4008/15
2. Association of Management of Coimbatore  
Anna University affiliated Colleges  
(Registration No.140/2008)  
rep. by its President.  
119, Bhavani Road, Erode - 638 004.  
...Petitioner in W.P.No.29593 of 2011
3. Tamil Nadu Private Professional Colleges  
Association - Health Sciences,  
(Registration No.175/2004)  
rep. by its Secretary,  
Prasanna Enclave, Plot Nos.1 and 2,  
Door No.30, 1st Floor, D Block  
Bharathi Avenue, 2nd Street,  
Kotturpuram, Chennai - 600 085.  
....Petitioner in W.P.No.1107 of 2012

Vs.

1. All India Council for Technical Education (AICTE)  
rep. by its Member Secretary,  
7th Floor, Chandralok Building  
Janpath, New Delhi - 110 001.

2. The Regional Officer,  
Southern Regional Office,  
All India Council for Technical Education (AICTE),  
Shastri Bhavan,  
26 Haddows Road, Chennai - 600 006.

...Respondents in all W.Ps.

Prayer in W.P.No.29432 of 2011

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the first respondent, in respect of the revised approval process contained in All India Council for Technical Education Approval Process Handbook, (2012-13) and to quash the same and to direct the respondents to grant the extension of renewal for the existing institutions without insisting the purchase of e-journal.

Prayer in W.P.No.29593 of 2011

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records, relating to the mandatory requirement as contained in Clause 1.5 and 1.14 under Chapter VI read with appliances 5.3 and 10 of the Approval Process Hand Book 2012-2013 as corrected in Annexure I of the Corrigendum issued by the respondent Council and to quash the same insofar as they relate to the members of the petitioner Association and directing the respondents to consider the applications of the members of the petitioner Association for approval process 2012-13, as called for in the Advt. No.Approval 10(01)/2011 of the respondent Council without insisting upon subscription to the e-journals as contemplated in Appendix 5.3 read with Appendix 10 of the Approval Process Handbook, (2012-13) as corrected in Annexure 1 to the corrigendum issued by the respondent Council.

Prayer in W.P.No.1107 of 2012

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records, relating to the mandatory requirement as contained in Clause 1.14 under Chapter VI read with appliances 5.3 and 10 of the Approval Process Hand Book 2012-2013 as corrected in Annexure I of the Corrigendum issued by the respondent Council and to quash the same insofar as they relate to the members of the petitioner Association for approval process 2012-13, as called for by the respondent Council without insisting upon subscription to the e-journals as contemplated in Appendix 5.3 read with Appendix 10 of the Approval Process Handbook, (2012-13) as corrected in Annexure 1 to the corrigendum issued by the respondent Council.

Prayer in W.P.No.4008 of 2015

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to

call for the records of the first respondent in All India Council for Technical Education Approval Process Handbook 2015-16, insofar as it relates to the insisting upon mandatory subscription to e-journals as per Appendix 10 and to quash the same and consequently, to direct the respondents to grant the extension of renewal for the academic year 2015-2016 for the existing institutions without insisting upon the purchase of e-journal.

For Petitioners in W.P.No.29432/2011  
4008 of 2015

: Mr.N.R.Chandran  
Senior Counsel for  
Mr. R.Natarajan

For Petitioners in W.P.Nos.29593/2011  
and 1107 of 2012

: Mr. K.Doraisami  
Senior Counsel for  
Mr. Muthumani Doraisami

For Respondents

: Mrs.AL. Gandhimathi

#### COMMON O R D E R

(Order of the Court was delivered by R.Subbiah,J.)

The petitioners have filed these Writ Petitions, challenging the notification issued by the All India Council for Technical Education (AICTE), whereby and whereupon, the petitioners have been required to purchase e-journals from a particular suppliers/publishers.

2. When these Writ Petitions were taken up for hearing today, the learned counsel appearing for the respondents has invited our attention to the counter affidavit filed by the respondents, in relation to W.P.Nos.29432 and 29593 of 2011, wherein, in para No.10, it is stated that, it is open to the respective Institutions to subscribe for necessary journals, as per the appendix from any source and at any price, as they deem fit and advantageous. Therefore, the learned counsel submitted that, there is no compulsion for the petitioners to opt for particular e-journals from particular suppliers, and it is open to them to choose the e-journals at any source and at any price. At this stage, it would be useful to refer to para Nos. 10 and 11 of the counter affidavit, which reads as follows:-

" I respectfully submit that, the AICTE is particular only about the journals that are required and not about the supplier or the place at which the same may be subscribed by the

respective Institution. It is open to the respective Institutions to subscribe for the necessary journals, as per the appendix from any source and at any price as they may deem fit and advantageous. The Expert Committee, which was constituted by AICTE had only enabled the Colleges to have the same subscribed at a subsidized rate. The same does not, in any manner, prevent the Institutions from subscribing for the said journals from any source and at any price.

11. I respectfully submit, the Writ Petitions itself have been filed under a total misconception that AICTE insists that the journals should be sourced only from the named suppliers and only at the price indicated in Appendix in the Approval Process Handbook. I submit that they are only suggestive and the source or the price is not mandatory. "

3. Thus, in the light of the submission made by the learned counsel for the respondents and the stand taken by the respondents in the counter affidavit, no further adjudication is required in these Writ Petitions. Accordingly, these Writ Petitions stand closed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

sd

+4ccs to Mrs.AL.Gandhimathi, sr.no.14819,14822,14821,14820

+1cc to Mr.R.Natarajan, sr.no.14253

+1 CC to Muthumani Doraisamy, Advocate sr 14107(16/04/2018)

W.P. No.29432 of 2011

W.P. No.29593 of 2011

W.P .No. 1107 of 2012

and

W.P .No. 4008 of 2015

AD (CO)

RMP (23/03/2018)