

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WRIT PETITION No.12760 of 2018

CAAD-Chennai Academy of Architecture and Design,
rep. By its Director,
No.24, Thumbakkam,
Chennai-Thirupathi Highway,
Near Periyapalayam Amman Temple,
Chennai, Thiruvallur 601 102.

...Petitioner

Vs.

The Registrar,
Anna University,
Sarathar Patel Road,
Chennai 600 025.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, calling for the records of the Respondent's impugned Letter No.226/CAI/AU/CR Scrutiny Failed/2018-21, dated 11.05.2018 and to quash the same insofar as reducing the intake of students from 80 to 60 and consequently permit the Petitioner to admit the students with intake of 80 for the academic year 2018-2019, subject to the approval of the Council of Architecture.

For Petitioner : Mr.P.Wilson,
Senior Counsel,
for Mr.Richardson Wilson

For Respondent : Mrs.Narmadha Sampath,
Addl. Advocate General,
assisted by Mr.M.Vijayakumar

ORDER

Petitioner/Academy has come up with the present Writ Petition seeking to quash the impugned Letter No.226/CAI/AU/CR Scrutiny Failed/2018-21, dated 11.05.2018 of the Respondent, insofar as reducing the intake of students from 80 to 60 and consequently permit them to admit students with the intake of 80 for the academic year 2018-2019, subject to the approval of the Council of Architecture.

2. The issue for consideration in the case on hand is that the Petitioner/Academy has failed to provide the self-attested copies of Degree Certificates of Ten Faculty members. As faculty deficiency continued to exist, the Respondent has passed the impugned order dated 11.05.2018, reducing the sanctioned intake of students from 80 to 60.

3. Learned Senior Counsel appearing for the Petitioner/Academy submitted that the details of Faculty members with suitable undertakings were filed by the Petitioner on 04.01.2018. The Inspection Committee of the Respondent/University inspected the Petitioner/Academy on 28.03.2018 and all the Members were present at the time of inspection, except those identified and appointed for the academic year 2018-19. The Inspection Committee pointed out the deficiencies in respect of the Petitioner/Academy in the Annexure to the Deficiency Letter dated 10.04.2018 and the Petitioner submitted the compliance report, duly rectifying all the defects, vide letter dated 24.04.2018.

4. It is further submitted by the learned Senior Counsel appearing for the Petitioner that the details of Faculty members were uploaded online and that there is extension of approval granted by the Council of Architecture to the Petitioner/Academy with regard to 5 year full-time Bachelor of Architecture (B.Arch) Degree Course in the academic year 2018-19 and the same has been verified online. He contended that the Respondent/University has no jurisdiction to reduce the intake of students from 80 to 60, more particularly, on the hypothetical ground that documents produced were not self-attested.

5. In reply, learned Additional Advocate General appearing for the Respondent/University submitted that the Petitioner/Academy submitted their online application on 04.01.2018 and the Inspection was conducted in the Petitioner/Academy on 28.03.2018. The deficiency report was issued, whereby, the Respondent/University instructed the Petitioner/Academy to provide necessary supporting documents including the self-attested copies of Degree Certificates and other relevant documents of the faculty members, co-attested by the Principal of the College. Even though documents have been uploaded with regard to ten faculty members, the Petitioner has failed to provide self-attested copies of the Degree Certificates of the Ten faculty members, vide the Compliance Report.

6. In support of her stand, learned Additional Advocate General, drew the attention of this Court to the decision of the Apex Court in the case of Parshavanath Charitable Trust vs. All

India Council for Technical Education (AICTE) reported in CDJ 2012 SC 892, wherein, the Apex Court fixed the deadline for grant/refusal of approval by the University as 15th May of the relevant year. She further submitted that though the Respondent/University issued a show cause notice dated 10.04.2018 to the Petitioner/Academy granting time till 25.04.2018 to comply with the defects, the petitioner failed to rectify the same. It is the further contention of the learned Additional Advocate General that more than 650 Colleges are affiliated with the Respondent/University and that the Council of Architecture has no right to increase the intake of students.

7. Heard the learned counsel for the parties and perused the material documents available on record.

8. Admittedly, the Petitioner/Academy had been granted extension of approval of 5 year full-time Bachelor of Architecture (B.Arch.) Degree Course with an intake of 80 students, by the Council of Architecture, vide its communication dated 28.05.2018. The only ground for issuance of the impugned order dated 11.05.2018, reducing the intake of students from 80 to 60, is that the Petitioner/Academy had not uploaded the self-attested copies of the Degree Certificates of Ten Faculty members, online. It is seen that the deficiency as regards production of self-attested copies of Degree Certificates of Ten Faculty members has been rectified by the Petitioner on 15.05.2018 through online. Thus, the Petitioner has complied with the deficiencies before the cut-off date stipulated by the Apex Court, i.e. 15th May. But, the said aspect has not been taken note of by the Respondent/University.

9. Hence, this Court is of the view that as the Petitioner/Academy has complied with the deficiencies before the cut-off date stipulated by the Apex Court, the Respondent/University shall take into account the said aspect and consider the case of the Petitioner with regard to intake of students at 80 for the academic year 2018-19, on or before 30.07.2018.

The Writ Petition stands disposed of with the above observation and direction. No costs. Consequently, connected W.M.P.Nos.14962 to 14965 of 2018 are closed.

Sd/-

Assistant Registrar (CS-IX)

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Sub Assistant Registrar

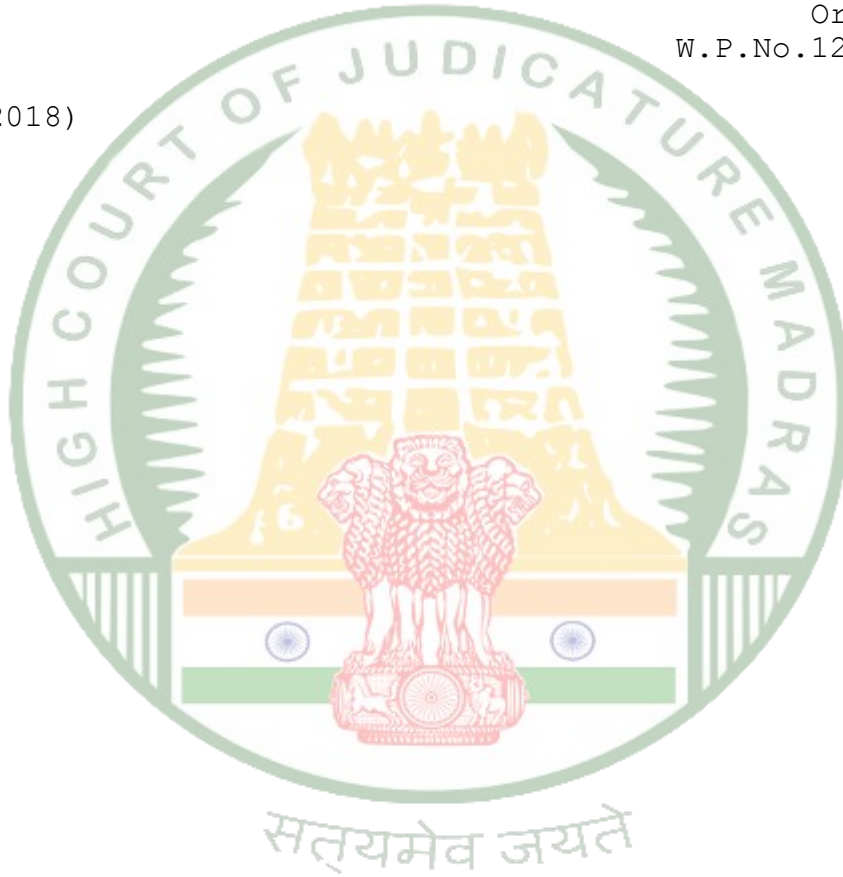
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To:
The Registrar,
Anna University,
Sarthar Patel Road,
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+1cc to Mr.RICHARDSON WILSON, Advocate, S.R.No.46791
+1cc to Mr.M.VIJAYKUMAR, Advocate, S.R.No.46865

Order in
W.P.No.12760 of 2018

TR(26/07/2018)



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