

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.13092 of 2018

McGan's Ooty School of Architecture,
represented by its Chairperson E.Sumathy,
No.5/635, Perar Road,
Kotagiri - 632 002
The Nilgris, Tamil Nadu.

... Petitioner

vs.

The Registrar,
Anna University,
Anna University Campus,
Sardar Patel Road,
Guindy, 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 to call for the records of the Respondent dated 11.05.2018 in Letter No.225/CA1/AU/CR_Scrutiny Failed/2018-21 and the subsequent proceedings in Letter No.226/CA1/AU/CR_Scrutiny Failed/2018, dated 30.05.2018, so far as it reduces and fixes the intake of the Petitioner Institution contrary to the intake approved and fixed by the Regulatory body, the Council of Architecture, for the academic year 2018-19 and quash the same and to consequently direct the Respondent University to reconsider the representation dated 15.05.2018 of the Petitioner Institution afresh and pass orders on the same on merits, in the light of the Council of Architecture Regulation, 1983, within a time frame.

(Prayer amended as per order dated 09.07.2018 in W.M.P.No.19735 of 2018 in W.P.No.13092 of 2018)

For Petitioner : Mr.Yashod Vardhan, Senior Counsel
for M/s.V.Athikesavan

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

O R D E R

Petitioner/Institution has come up with this Writ Petition seeking to quash the proceedings of the Respondent vide Letter No.225/CA1/AU/CR_Scrutiny Failed/2018-21, dated 11.05.2018 and

the subsequent proceedings in Letter No.226/CA1/AU/CR_Scrutiny Failed/2018, dated 30.05.2018, so far as it reduces and fixes the intake of their Institution, contrary to the intake approved and fixed by the Regulatory body, the Council of Architecture, for the academic year 2018-19 and for a consequential direction to the Respondent/University to reconsider their representation dated 15.05.2018 afresh and pass orders on the same on merits, in the light of the Council of Architecture Regulation, 1983.

2. According to the Petitioner/Institution, they are running a Full-time Undergraduate Programme in Architecture with an intake of 120 students duly approved by the Regulating Body, the Council of Architecture and the approval is valid till 2018-19 and they are also running Full-time Masters Programme in Architecture with an intake of 20 in M.Arch. - Environmental Architecture. The Respondent/University has duly granted affiliation to all the aforesaid courses upto the academic year 2016-17.

3. It is the case of the Petitioner/Institution that the Respondent/University reduced the intake of their Institution and the same was challenged by the Petitioner in W.P.No.12890 of 2017. However, the Respondent/University restored the intake by proceedings dated 15.05.2017 vide Letter No.02/AFFLN/CAI/CBE/AU/2017-18/7121. While so, the Respondent/University conducted inspection in the Petitioner/Institution on 20.03.2018 for the ensuing Academic year, 2018-19. Thereafter, the Respondent/University issued a Show Cause Notice dated 10.04.2018 to the Petitioner/Institution with a direction to submit another compliance report on or before 25.04.2018.

4. The Petitioner/Institution submitted a detailed compliance Report on 23.04.2018 to the Respondent/University. But, without considering the same, the Respondent/University, mechanically, vide its impugned proceedings dated 11.05.2018 in Letter No.225/CA1/AU/CR_Scrutiny Failed/2018-21, once again reduced the intake of B.Arch. Course in the Petitioner/Institution from 120 seats to 60 seats and had put M.Arch. Course under 'No Admission Category'. Thereafter, the Petitioner/Institution sent a representation dated 15.05.2018 to the Respondent/University to reconsider the latter's impugned proceedings dated 11.05.2018, insofar as it relates to the reduction of intake of B.Arch. Course from 120 seats to 60 seats and putting M.Arch. Course under 'No Admission Category'. Despite, receipt of the said representation, till date, there is no response from the Respondent/University.

5. It is the further case of the Petitioner/Institution that they were not furnished with any of the copies, such as Inspection Report or the Scrutiny Committee Report and hence,

they sought for copies of the Inspection Report, Scrutiny Committee Report and also sought for certain clarifications. But, it was neither acted upon nor furnished to the Petitioner/Institution. However, subsequent proceedings were issued by the Respondent/University vide Letter No.226/CA1/AU/CR_Scrutiny Failed/2018, dated 30.05.2018, confirming the reduction of intake from 120 seats to 60 in B.Arch. Course and 'No Admission' to M.Arch. Course. Challenging both the impugned Letters, the Petitioner/Institution is before this Court by way of the above Writ Petition.

6. Respondent/University has filed counter affidavit to the following effect:

6.1. Inspection was conducted by the Respondent/University on 20.03.2018 by two subject experts and they have reported deficiency in the number of class rooms and faculty members. Since the levels of deficiencies were high, a show cause notice was sent to the Petitioner's College on 10.04.2018 as per University norms. In the Show Cause Notice, deficiencies reported by the Inspection Team of the University was informed and two weeks' time was given to rectify the notified deficiencies and also to submit a detailed compliance report within the stipulated time. The Petitioner's College was also instructed to provide supporting documents including the self-attested copies of Degree Certificates of the appointed faculty members and approved building plan for deficient classrooms. The College was also informed that there will be only one opportunity to submit the Compliance Report to the University on or before 25.04.2018.

6.2. The Petitioner's College submitted the compliance Report on 24.04.2018 and it was scrutinized by the Expert Committee on 02.05.2018. The Expert Committee accepted all the faculty documents (20 faculties), but, they did not accept Classroom documents, as no approved building plan was submitted in the compliance report. As per the approved students intake, the faculty strength should be 60, but even with the newly appointed faculty, the total faculty strength was only 42, which is deficient by 30%. As Classroom and faculty deficiency continued to exist in the College, the sanctioned intake values were reduced for B.Arch. Course from 120 to 60 students and 'No Admission' for M.Arch. Environmental Architecture, in accordance with the norms of Anna University and the College was informed of the same, vide Proceedings dated 11.05.2018.

6.3. To the letter dated 15.05.2018 sent by the Petitioner's College, the Respondent/University sent a reply on 30.05.2018, informing the Petitioner that the University usually does not give the Inspection Report and Scrutiny Report to the College. According to the Respondent/University, grant of affiliation is

completed for all the affiliated Colleges of Anna University and any revision or redemption of seats would become a violation of the order dated 13.12.2012 passed by the Supreme Court in Civil Appeal Nos.9047 and 9048 of 2012. Hence, it is not appropriate for the University to reconsider the sanctioned intake for the academic year 2018-19.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. It is seen that there was reduction with regard to intake of seats in the Petitioner/Institution and in that regard, they filed W.P.No.12890 of 2017, wherein, interim orders were passed by this Court and thereafter, the Respondent/University conducted inspection in the Petitioner/Institution on 20.03.2018 for the academic year 2018-2019. To the Show Cause Notice dated 10.04.2018 issued by the Respondent/University to the Petitioner/Institution, pointing out the deficiencies, the Petitioner/Institution submitted its Compliance Report on 23.04.2018. Not satisfied with the Compliance Report, the Respondent/University issued the impugned proceedings dated 11.05.2018, thereby reducing the sanctioned strength of seats from 120 to 60 for B.Arch. Course and fixing 'No Admission' for M.Arch. Course.

9. In the impugned order dated 11.05.2018, it is pointed out that Faculty and Classroom deficiencies continue to exist for B.Arch. Course and Classroom deficiency continue to exist for M.Arch. Course. In the Compliance Report dated 23.04.2018, the Petitioner/Institution has stated that as per the 2013 Anna University Regulations, for the academic year 2018-19, the number of Classrooms required for B. Arch. Course is only 12 and for M.Arch. Course, it is only 2.

10. It is represented by the learned Senior Counsel appearing for the Petitioner that Classrooms can be allotted based on the student strength, which can be increased from 40 to 80, 80 to 120 and so on. According to the learned Senior Counsel, it would be suffice if the Petitioner/College is permitted to have at least 80 students as intake for the academic year 2018-2019, so that 40 students can be accommodated in one classroom and the remaining 40 in another classroom. He also submitted that when there are sufficient Classrooms in the Petitioner/Institution to accommodate 60 students at a time, undoubtedly, 80 students can be accommodated in two different Classrooms.

11. Clause 3 of the Norms of Council of Architecture for imparting B. Arch. Course, states that the Institution having intake of more than 40 students shall be required to conduct classes concurrently in separate batches of 40 students

each. If more than 40 students are admitted for a Course, separate classrooms can be organised. As the intake of students with regard to B.Arch. Course is multiples of 40, i.e. 40, 80, 120 and so on, reduction of intake by 50% with regard to the academic year 2018-19, i.e. from 120 to 60 alone can be found fault with. Thus, when Classroom facility is available for the intake of 20 more students, there would be no difficulty for the Respondent/University in accommodating 20 more students in the Petitioner/Institution in B.Arch. Course for the academic year 2018-2019.

12. Thus, taking into account the technical aspects involved in the case on hand and that the reason assigned by the Respondent/University for reduction of intake in B.Arch. Course viz. 'Classroom deficiency continues to exist', is not satisfactory, the impugned orders dated 11.05.2018 and 30.05.2018 passed by the Respondent/University are interfered and the matter is remanded to the Respondent/University for fresh consideration. The Respondent/University is directed to re-consider the Petitioner's representation dated 15.05.2018 on merits and pass appropriate orders within a period of ten (10) days from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above. No costs. Consequently, connected W.M.P.Nos.15388 to 15390 of 2018 are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

(aeb)

To:

The Registrar,
Anna University,
Anna University Campus,
Sardar Patel Road,
Guindy, Chennai 600 025.

+1 CC to Mr.M. Vijayakumar, Advocate sr 51003.
+1 CC to Mr.V. Athikesavan, Advocate sr 50867.

W.P.No.13092 of 2018

SP(11/08/2018)