

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WRIT PETITION No.13615 of 2018

King College of Technology (KCT),
represented by its Chairman Mrs.P.Kalareena,
Nallur, N.Pudupatty P.O.
Namakkal - 637 020.

... Petitioner

vs.

1. The Registrar,
Anna University,
Guindy,
Chennai 600 025.
2. The Director,
Centre for Affiliation of Institutions,
Anna University, Guindy,
Chennai 600 025.
3. The Secretary,
Single Window Admissions,
Anna University,
Guindy,
Chennai 600 025.

... Respondents

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 Respondents, relating to the order of the 1st Respondent in Lr.No.225/CAI/AU/CR_ScrutinyFailed/2018-20, dated 11.05.2018 and quash the same insofar as it reduces the intake of the Petitioner Institution by 25% for the academic year 2018-19 and directing the Respondents herein to grant extension of affiliation to courses run by the Petitioner College for the academic year 2018-19 as approved by AICTE to the Petitioner Institution by considering the compliance report of the Petitioner Institution, dated 20.04.2018.

For Petitioner : Mr.S.R.Raghunathan
For Respondents: Mrs.Narmadha Sampath,
Addl. Advocate General
for Mr.M.Vijayakumar

O R D E R

Petitioner has come up with the present Writ Petition seeking to quash the order dated 11.05.2018 passed by the 1st Respondent, insofar as it reduces the intake of their Institution by 25% for the academic year 2018-19 and directing the Respondents herein to grant extension of affiliation to courses run by their College for the academic year 2018-19 as approved by AICTE to their Institution by considering the compliance report of their Institution, dated 20.04.2018.

2. According to the Petitioner, their College was established in the year 2007. It has been accredited with ISO 9001-2008 Certificate and is further approved by AICTE, New Delhi and affiliated with Anna University, Chennai. The Petitioner-College is functioning with a total intake of 852 students with several courses.

3. The Petitioner/College made an application to the All India Council for Technical Education (AICTE), for extension of approval for the academic year 2018-2019. The 2nd Respondent herein, during the pendency of the approval of the said Application, conducted a surprise inspection of the Petitioner-Institute on 14.03.2018, to verify the fulfilment of faculty, infrastructure, library, laboratory and general facilities as per the curriculum and syllabus of the 1st Respondent, for consideration of provisional/permanent affiliation with the 1st Respondent. Thereafter, the 2nd Respondent herein issued a Letter dated 10.04.2018 to the Principal of the Petitioner/College, directing them to follow the instructions with regard to the submission of the Compliance Report and Show Cause Notice for status Courses and further informed that the evidences submitted towards rectification of deficiencies will be scrutinized by an Expert Committee. Thereafter, the 2nd Respondent issued a Letter dated 10.04.2018 to the Petitioner with respect to the status of the Courses determined from the level of deficiencies reported by the Inspection Committee and stated that affiliation can be considered only after the receipt of satisfactory Compliance Report. The 1st Respondent further directed the Petitioner to take necessary action in submitting the Compliance Report and reply to the Show Cause Notice.

4. It is the case of the Petitioner that the Annexure Extract of the Inspection Report 2018-19 categorically discloses that there is no deficiency in the Library with regard to books pertaining to Science and Humanities, Engineering books prior to and after 2017 and the deficiency is only with regard to the subscription of Journals for the Library. The Petitioner, vide its Letter dated 20.04.2018 to the 1st Respondent, informed that the rectification of the deficiencies had been done to the

utmost satisfaction to the norms of the University, by recruitment of new faculties, providing General facilities and infrastructure and subscribing Journals for the Library and that the Compliance Report had been uploaded as per the prescribed format.

5. However, the 1st Respondent, without considering the Petitioner's Letter dated 20.04.2018, issued another communication to the Petitioner vide Letter dated 27.04.2018, informing them that the 1st Respondent had not received documentary evidence in the form of Compliance Report from the Petitioner towards rectification of deficiencies and that the last date for submitting Compliance Report in person, at the Office of Centre for Affiliation of Institutions, Anna University, is 02.05.2018. Pursuant thereto, the AICTE granted extension of approval for the academic year 2018-19, vide letter dated 30.04.2018.

6. The grievance of the Petitioner is that despite submission of the Compliance Report, dated 20.04.2018, which was also sent to the Anna University, well within time, the 2nd Respondent-University had passed the impugned order observing that the Library deficiencies continue to exist and thus reducing the intake of seats by 25% in respect of the UG Courses and 'No Admission status' for P.G. Courses. It is further stated by the Petitioner that they had also sent a request letter dated 31.05.2018 to the Respondents with all the Annexures to show that all the deficiencies were duly rectified and requested the Respondents to re-consider their request and grant affiliation for the academic year 2018-19, as granted by the AICTE. As there was no proper response from the Respondents, the Petitioner is before this Court.

7. Respondents have filed counter affidavit, wherein, they have stated that the Respondent/University sent Deficiency Report to the Petitioner/College on 10.04.2018, instructing the Petitioner to submit the faculty details online and also submit paper evidences to the University towards rectification of deficiencies. The Petitioner/College was instructed to provide supporting documents including the self-attested copies of Degree Certificates of the appointed faculty members and purchase order and invoice bills for Library Books and Journals. The Petitioner/College was also informed that there will only be one opportunity to submit the Compliance Report and they should submit the same on or before 25.04.2018. But, the Petitioner's College failed to submit the hard copy of the Compliance Report to the Respondent/University. The Respondent/University sent one more reminder letter to the College on 27.04.2018 to submit the hard copy of the Compliance Report on or before 02.05.2018 and the University received the Compliance Report on the evening of 27.04.2018 through courier.

8. It is further stated by the Respondents that the Compliance Report submitted by the Petitioner/College was scrutinized by a Scrutiny Committee on 02.05.2018. The Committee accepted the faculty documents submitted for all the UG and PG programmes except B.E. CSE and MBA Courses, for which, the documents were found to be insufficient. The Committee did not accept Library documents for Journal publications, as details of Bills were not produced. As Faculty and Library deficiency continued to exist in the College, the sanctioned intake values for all UG courses were reduced to 25% and Zero intake for all the PG Courses, in accordance with the norms of Anna University and the Petitioner/College was informed of the same vide letter dated 11.05.2018.

9. Heard the learned counsel for the parties and perused the material documents available on record. The only issue to be considered in the case on hand is that whether faculty deficiency and library deficiency can be rectified or not.

10. It is seen that pursuant to the inspection carried out by the Committee constituted by the Respondent/University in the Petitioner/College, the Respondent/University instructed the Petitioner/College to provide supporting documents including the self-attested copies of Degree Certificates of the appointed faculty members and purchase order and invoice bills for Library books and Journals. After scrutinizing the Compliance Report dated 27.04.2018 of the Petitioner/College, the Scrutiny Committee, accepted the faculty documents for all the UG and PG programmes except B.E. CSE and MBA courses, for which documents were found to be insufficient. Further, the Committee did not accept Library documents for Journal publications, as details of Bills were not produced.

11. It may be true that Bills have been produced for the purpose of getting Journals for the subsequent year. But on the date of inspection, Journals were not found. When the Committee has accepted the faculty documents submitted for all the U.G. and P.G. Programmes, there cannot be any malafide on the part of the Respondents, as regards the deficiency pointed out with regard to Library documents for Journal publications, as contended by the Petitioner.

12. Though, the Petitioner, in the communication dated 31.05.2018 to the Respondents has stated that all the deficiencies were duly rectified, admittedly, Journal deficiency continues to exist. However, according to the Petitioner, they have submitted hard and soft copies of the requisite documents by 20.04.2018. The impugned order dated 11.05.2018, though appears to be short, it cannot be construed that it is a cryptic order.

13. This Court is not inclined to render a finding with regard to the communication of the 1st Respondent/University, dated 05.06.2018, as, that is not the subject matter of the Writ Petition and in the present case, this Court is of the view that the Respondent has not sought to improve the impugned order by means of a counter. In view of the subsequent development, it is needless to mention that it is open to the Petitioner to challenge the order of the 1st Respondent, dated 05.06.2018, if so advised, more particularly, taking note of the decision of the Apex Court in the case of Parshavanath Charitable Trust and others vs. All India Council for Technical Education reported in (2013) 3 SCC 385.

14. However, this Court is of the view that the Respondents are not prevented from conducting any fresh inspection. In case, fresh inspection is conducted by the Respondents, they shall verify all the documents as to whether the Petitioner has fulfilled the norms, so that the students of the Petitioner/College are not affected.

The Writ Petition is disposed of with the above direction and observation. No costs. Consequently, connected W.M.P. is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

(aeb)

To:

1. The Registrar, Anna University, Guindy, Chennai 600 025.
2. The Director, Centre for Affiliation of Institutions, Anna University, Guindy, Chennai 600 025.
3. The Secretary, Single Window Admissions, Anna University, Guindy, Chennai 600 025.

+1 CC to Mr.M. Vijayakumar, Advocate sr 43522.

+1 CC to Mr.S.R. Raghunathan, Advocate sr 44967.

W.P.No.13615 of 2018

SP(16/07/2018)