

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No. 16077 of 2018  
and WMP. No.19104 of 2018

Park College of Technology  
Rep. by its Principal  
Dr. N.Krishnakumar

.. Petitioner

Vs.

1. Member Secretary,  
High Education,  
Government of Tamil Nadu,  
N.K.N. Building, 5th Floor,  
Secretariat, Chennai-600 009.

2.The Regional Officer,  
All India Council of Technical Education,  
Sastri Bhavan,  
No.24, Haddows Road,  
Chennai-600034.

3.Director of Technical Education,  
Guindy,  
Chennai-600025.

4.The Registrar,  
Anna University,  
Guindy, Chennai-600025.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct 4th respondent to grant affiliation to Aeronautical Engineering Course to the Petitioner's institution before counselling for the Academic Year 2018-19 in regard to the representation dated 22.06.2018 of the petitioner college.

For petitioner : Mr.S.P.R.Balasubramanian  
For respondents : Mr.B. Rabumanohar - for R2  
Mrs.V.Annalakshmi,  
Govt. Advocate for R1 & R3  
Mr.M.Vijayakumar - for R4.

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ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the 4th respondent to grant affiliation to Aeronautical Engineering Course to the Petitioner's institution before counseling for the Academic Year 2018-19 in regard to the representation dated 22.06.2018 of the petitioner college.

2. The case of the petitioner is that the petitioner college was affiliated to All India Council for Technical Education, having undergraduate courses, namely, Computer Science Engineering, Aeronautical Engineering, Civil Engineering, Mechanical Engineering, Electronic and Communication Engineering and Environmental Engineering and college decided to surrender Aeronautical Engineering after Agricultural Engineering syllabus was varying.

3. The Anna University has granted permission on 30.04.2018 for the academic year 2018-19 for all the courses, but refused to give permission for Aeronautical engineering, even though AICTE has granted approval for Aeronautical Engineering.

4. The petitioner made a representation on 30.04.2018, followed by reminders. It is stated that nearly 35 students have approached for Aeronautical Engineering. When the Anna University was affiliated with five courses, they failed to consider the Aeronautical Engineering Course.

5. According to the petitioner, the Anna University ought to have given permission for affiliation for the academic year 2018-19. According to the the petitioner, they have wrongly surrendered the B.E (Aeronautical Engineering) instead of B.E (Agricultural Engineering). Hence, the petitioner has made representation finally on 22.06.2018 and the same has got to be considered with regard to affiliation to B.E (Aeronautical Engineering) course to the petitioner's college.

6. The respondents have filed counter affidavit. According to the respondents, it is true that AICTE has granted approval to the engineering course, namely Aeronautical Engineering with intake of 60 students for the academic year 2018-19. When the college applied for affiliation, they have not sought for affiliation for B.E (Aeronautical Engineering) and that the application for affiliation was submitted through online for the academic year 2018-19. It is stated that the University has granted permission only for the courses applied by the petitioner which are mentioned below;

| Sl. No | Degree | Courses                                   | Sanctioned Intake |         |
|--------|--------|-------------------------------------------|-------------------|---------|
|        |        |                                           | 2017-18           | 2018-19 |
| 1      | B.E    | Civil Engineering                         | 60                | 60      |
| 2      | B.E    | Computer Science and Engineering          | 60                | 60      |
| 3      | B.E    | Electronics and Communication Engineering | 60                | 60      |
| 4      | B.E    | Environmental Engineering                 | 60                | 60      |
| 5      | B.E    | Mechanical Engineering                    | 120               | 120     |

7. Heard both sides and perused the documents available on record.

8. It is not in dispute that the UG Aeronautical Engineering course was one of the courses available and for the present academic year, namely 2018-2019, approval has been granted by AICTE for intake of 60 and the extension of approval was granted on 30.04.2018. Instead of surrendering B.E (Agricultural Engineering), they have surrendered B.E (Aeronautical Engineering). Realising the mistake, the petitioner's college has made a representation initially on 30.04.2018, followed by reminders. The Apex Court in the case of Parshavanath Charitable Trust and Others Vs. AICTE and Others, reported in 2013 (3) SCC 385 has prescribed the cut off date as 15<sup>th</sup> May of every year. Even though there is affiliation to various programmes and there was approval by AICTE for the academic year 2018-2019 since no request was made, the Anna University has not granted any affiliation. It is not the fault of Anna University. When there is no application for affiliation, even though the extension of approval has been granted for the academic year 2018-2019 on 30.04.2018 with regard to B.E (Aeronautical Engineering) and that the course commences during August, the petitioner may not be entitled to the relief sought for. Unless the decision taken by the Anna University is recalled, the request of the petitioner cannot be considered. If the request is accepted, it would amount to altering the date prescribed by the Apex Court in the decision mentioned supra.

9. The petitioner has submitted his application only on the last date i.e 30.04.2018. That apart, the cut off date has expired on 15th May. This Court cannot extend the date already

fixed by the Apex Court, unless the decision of the Anna University is arbitrary and illegal. As the petitioner has approached this Court, this Court of the view that in case the petitioner fulfills the conditions required with regard to affiliation of BE (Aeronautical Engineering) for the next academic year, i.e., 2019-2020, the same shall be considered. For the present academic year, the petitioner college would not be entitled to the relief. This Court expects the respondents not to treat the course, namely B.E (Aeronautical Engineering) as new or fresh course, as from the above narration of the events, there is a possibility of over-sight in surrendering the B.E (Aeronautical Engineering) instead of B.E. (Agricultural Engineering).

With the above direction, the Writ Petition stands disposed of. No Costs. Connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS VII)

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Sub-Assistant Registrar

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To

1. Member Secretary,  
Higher Education,  
Government of Tamil Nadu,  
N.K.N. Building, 5th Floor,  
Secretariat, Chennai-600 009.

2. Director of Technical Education,  
Guindy, Chennai-600025.

+1 CC to Mr.P.R. Balasubramanian, advocate sr 45033.

+1 CC to Mr.M. Vijayakumar, Advocate sr 45220.

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AK(CO)  
SP(30/08/2018)

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