

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.33890 of 2012

Association of Management of Coimbatore,
Anna University Affiliated Colleges,
(Registration No.140/2008),
119, Bhavani Road,
Erode - 638 004.

... Petitioner

Vs.

1.All India Council for Technical Education,
Represented 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,
Shastri Bhavan,
26 Haddows Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the mandatory requirement as contained in Clauses 1.5 and 1.14 under Chapter VI read with appendices 5.3 and 10 of the Approval Process Hand Book 2013-2014 issued by the respondent council and quash the same in so far 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 2013-2014 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 Hand Book 2013-2014 issued by the respondent council.

For Petitioner : Mr.Kandhan Duraisami

For Respondents : Ms.A.L.Gandthimathi

O R D E R

This writ petition has been filed to quash the mandatory requirement as contained in Clauses 1.5 and 1.14 under Chapter VI read with appendices 5.3 and 10 of the Approval Process Hand Book 2013-2014 issued by the respondent council insofar as it relates to the members of the Petitioner Association and consequently, direct the respondents to consider the applications submitted by the members of the petitioner Association, without insisting upon subscription to the e-journals as contemplated in Appendix 5.3 read with Appendix 10 of the approval process Hand Book 2013-2014 issued by the respondent council.

2. When the matter was taken up for consideration, the learned counsel for the respective parties submitted that the issue involved herein is squarely covered by the order of the Division Bench of this Court dated 23.02.2018 in W.P.Nos.29432 and 29593 of 2011, which reads as follows:

"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:-

"10. 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."

3. In the light of the aforesaid order, this Court is of the view that nothing survives for adjudication in this matter. Accordingly, the writ petition stands closed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. All India Council for Technical Education,
Represented 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,
Shastri Bhavan,
26 Haddows Road, Chennai - 600 006.

+ 1 cc to Mr. A.L. Ganthiathi, Advocate Sr.16056

+ 1 cc to Mr. Kandhan Duraisami, Advocate Sr.15247

W.P.No.33890 of 2012

(CS-DR)
EU(27/06/2018)