

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.19804 of 2018
and
W.M.P.No.23242 to 23244 of 2018

Rathinam School of Architecture,
Rathinam Techzone Campus,
Pollachi Main Road, Eachanari,
Coimbatore - 641 021
Rep. by its Chairman,
Madan A.Sendhil,
S/o. P.Arumugam
.... Petitioner

Versus

The Registrar,
Anna university,
Guindy,
Chennai - 600025
..... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the respondent in Lr.No. 226/CAI/AU/CR scrutiny failed/2018-14 dated 11.05.2018 and to quash the same and consequently, directing the respondent to sanction intake of 40 students in favour of petitioner College for the academic year 2018-2019 for admission to Bachelor of Architecture (B.Arch.,) course.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr. L.P.Shanmugasundaram

O R D E R

This Writ Petition has been filed by the petitioner seeking to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the respondent in Lr.No. 226/CAI/AU/CR scrutiny failed/2018-14 dated 11.05.2018 and to quash the same and consequently, directing the respondent to sanction intake of 40 students in favour of petitioner College for the academic year 2018-2019 for admission to Bachelor of Architecture (B.Arch.,) course.

2. The learned counsel for the petitioner stated that the petitioner college was established in the year 2017-2018 and the Council of Architecture has granted approval for the full time course of "Bachelor of Architecture" course (B.Arch.,) for a period of five years with an annual intake of 40 students, after due inspection and verification of the compliance of legal requirements as provided under the provisions of Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983.

3. It is stated that the respondent university has granted provisional affiliation for B.Arch., for the academic year 2017-2018 with the annual intake of 40 students vide proceedings dated 18.05.2017. It is further stated that the petitioner college has also been granted with an extension of approval by Council of Architecture for the academic year 2018-2019 for the intake of 40 students, by order dated 18.06.2018. It is stated that the petitioner college has applied for continuation of provisional affiliation to the respondent University and after inspection, the respondent university has issued deficiency report/show cause notice dated 10.04.2018. Thereafter, the petitioner has submitted his detailed reply to the notice regarding compliance of deficiency noted by the respondent as per the compliance report dated 24.04.2018. The respondent university has issued the impugned order dated 11.05.2018 stating that the deficiencies pointed out by the University regarding Library continue to exist in respect of (B.Arch.,) course and that therefore, the sanctioned intake has been reduced from 40 students to 20 students for the academic year 2018-2019. Aggrieved by the same, the Writ petition has been filed by the petitioner.

4. It is the case of petitioner that the university has not prescribed the syllabus and curriculum at the time of inspection of the petitioner college earlier. The syllabus and

Curriculum was declared by the university only on 28.06.2018. Therefore, the petitioner has contented that the petitioner was not in a position to ascertain the deficiency in Library.

5. It is also the case of the petitioner that the petitioner has fulfilled all the deficiencies as reported in the deficiency report, dated 10.04.2018 and that, the compliance report was submitted on 24.04.2018 before the cut of date. Hence, the impugned order showing non compliance of the deficiency as per the show cause notice is arbitrary.

6. The learned counsel for the petitioner has submitted that the books were delivered to the Library on 05.05.2018 and the accession register was updated promptly. The documents were also produced before the respondent University immediately. However, the university has passed the impugned order on 11.05.2018 without considering the documents produced before the University before the date of passing the order. During arguments the learned counsel for the petitioner has raised several other issues.

7. The respondent has filed a counter affidavit, wherein it is stated that an inspection was conducted on 21.03.2018 by two subject experts and the show cause notice was also issued to the college on 10.04.2018 on the basis of the deficiency report by the experts regarding deficiencies. It is further stated that the petitioner though was given opportunity to submit a compliance report on or before 24.04.2018, he has not submitted his compliance report before 24.04.2018. Therefore, the deficiencies pointed out in respect of Library books, journals were taken to take action against the petitioner.

8. The respondent has further contented in the counter affidavit that the impugned order is perfectly valid. Though the respondent has admitted the report and compliance report submitted by the college on 29.05.2018, it is contented that the deadline of 15 May of the relevant year to grant or decline affiliation as held by Hon'ble Supreme Court is important and accordingly, the affiliation processes was completed.

9. The specific stand taken by the petitioner in the affidavit filed in support of the Writ Petition is that no syllabus was prescribed and that, the deficiencies pointed out by the respondent after first inspection were rectified. If this position is admitted, how the inspection arrive at deficiencies. It is also impossible for the petitioner to comply with

deficiencies as per the show cause notice without knowing the syllabus.

10. The admitted fact is that the petitioner has submitted a detailed compliance report on 24.04.2018. It is further stated that the petitioner has acquired the required books and journals to satisfy the respondent and the details were communicated to the respondent. The impugned order has been passed without giving reasons as to how the library is inadequate. The respondent has not denied or disputed the fact regarding compliance report as well as the procurement of books and journals and other Library requirements before the impugned order was passed. The deficiency can not be detailed when syllabus is not declared, the library requirement cannot be ascertained and the institution cannot be blamed.

11. When the respondent came to know that the deficiencies have been stated to be complied with by the petitioner, it is not proper on the part of the respondent to pass the impugned order.

12. Learned counsel for the petitioner relied upon the judgement of the Madurai Bench of Madras High Court in CSI Institute of Technology Vs. State of Tamilnadu and others made in W.P.(MD).No. 11425 of 2018, dated 30.07.2018.

13. It is also a case where the last date for granting or refusing approval by the university was over. When the deficiencies were submitted by the respondent to the petitioner college, the counsel for the respondent has sought for dismissal of the Writ Petition. However it was pointed out that prior to the cut of date, the deficiencies pointed out by the respondent were complied with and therefore, the respondent ought to have considered the aspect at the time of the passing the impugned order.

14. This Court is of the view that the petitioner has subscribed to several journals and purchased books before the crucial date. However the impugned order has been passed by the respondent without considering the materials and developments before the order.

15. In the result, this Writ Petition is allowed and the impugned order passed by the respondent dated 11.05.2018 is set aside and the matter is remitted back to the respondent for fresh consideration in the light of the observations made in this Writ Petition. Consequently, Miscellaneous Petitions are closed. No costs.

16. The respondent is directed to pass an order within a

period of 10 days from the date of receipt of copy of this order after inspecting and verifying the compliance of legal requirements as provided under the provisions of Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983 after affording an opportunity to the petitioner college. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

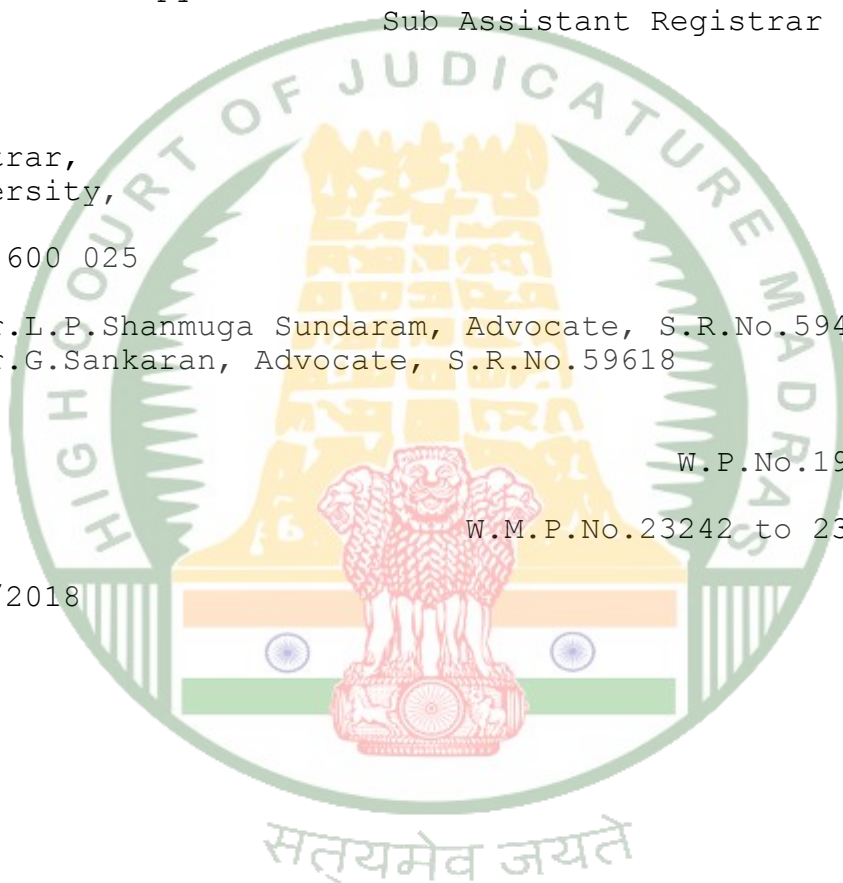
mpa/vsn

To
The Registrar,
Anna university,
Guindy,
Chennai - 600 025

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate, S.R.No.59493
+1cc to Mr.G.Sankaran, Advocate, S.R.No.59618

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rrs 10/09/2018



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