

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.32945 of 2018

and

W.M.P.No.38184 of 2018

Sri Nandhanam College of Engineering and
Technology, Molagarampatti,
Tiruppattur-635 601,
Vellore District
rep. by its Chairman,
P.M.N.Mohan Krishnaa
S/o.P.M.M.Nandagopal

... Petitioner

Vs

- 1.The State of Tamil Nadu
rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Commissioner,
Directorate of Technical Education,
53, Sardar Patel Road, Guindy,
Chennai-600 025.
- 3.The Registrar,
Anna University,
Guindy, Chennai-25.
- 4.The Controller of Examinations,
Anna University, Guindy,
Chennai-600 025.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass orders for grant of affiliation for P.G. Courses viz. M.B.A. and M.E. (Structural Engineering) and M.E. (Thermal Engineering) Courses as per the representation resubmitted on 27.09.2018 and consequently, directing the respondents to permit the 15 students in M.B.A. and 17 students in M.E. (Structural Engineering) and 14 students in M.E. (Thermal Engineering) studying in the petitioner college to participate in the 1st Semester Practical and Theory Examinations for the year 2018-19 commencing from 12.12.2018.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.A.Kumar,
Additional Advocate General
assisted by
Mr.L.P.Shanmughasundaram,
Standing Counsel for R3 & R4
Mr.V.Kadhirvelu,
Spl.G.P. for R1 and R2

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to pass orders for grant of affiliation for P.G. Courses viz. M.B.A. and M.E. (Structural Engineering) and M.E. (Thermal Engineering) Courses as per the representation resubmitted on 27.09.2018 and for consequential direction, directing the respondents to permit the 15 students in M.B.A. and 17 students in M.E. (Structural Engineering) and 14 students in M.E. (Thermal Engineering) studying in the petitioner college to participate in the 1st Semester Practical and Theory Examinations for the year 2018-19 commencing from 12.12.2018.

2. Learned Counsel for the petitioner submitted that the petitioner college has been established by Sri Nandhanam Educational and Social Welfare Trust with a laudable object of imparting Technical Education for the rural poor in the year 2001 with Engineering Courses in different disciplines and the same was approved by All Indian Council for Technical Education and it has been also affiliated to Anna University and granted with provisional affiliation every year since 2001.

3. The learned Counsel for the petitioner further submitted that for the year 2018-2019, the petitioner college has been granted with approval by AICTE vide Proceedings dated 30.4.2018 approving intake of students as noted therein for each discipline. The petitioner college has also applied for continuation of Provisional Affiliation (CPA) by the respondent Anna University. Based on the same, the respondent University conducted inspection in March 2018 and issued notice dated 10.4.2018 pointing out certain deficiencies. Thereafter, the petitioner college has submitted a detailed Compliance Report on 25.4.2018. While so, the Anna University issued Proceedings dated 15.5.2018 granting provisional affiliation in favour of the petitioner college with reduced strength of students. When the said proceedings was challenged by the petitioner College in W.P.No.17665/2018, by order dated 16.8.2018, this Court set aside the impugned order of the 3rd respondent in respect of

B.E. (Marine Engineering) Course only with further direction, leaving to take any decision in respect of the other discipline or course.

4. The learned Counsel for the petitioner also submitted that the petitioner College filed a Writ Miscellaneous Petition No.28847/2018 in W.P.No.17665/2018 seeking to modify the order dated 16.8.2018 in order to give liberty to the petitioner to approach the respondent University for redressal to avail sanctioned intake of students in respect of P.G. Courses viz. M.B.A. and M.E. Courses and in that Miscellaneous Petition, this Court passed orders dated 04.10.2018 granting liberty to the petitioner college to approach the respondent University with a further direction to the respondent University to consider the same on merits. Thereafter, the petitioner College has resubmitted the representation to the respondent University on 27.9.2018 for granting provisional affiliation for M.B.A and M.E. Courses since the students have already been admitted in the said course and the list of students have already been forwarded to the 2nd respondent for verification. But no order has been passed by the respondent University. Therefore, the present Writ Petition has been filed.

5. Mr.V.Kadhirvelu, learned Special Government Pleader appearing for the respondents 1 and 2 submitted that in general, without getting provisional affiliation, the petitioner college cannot admit any student in any course. Since certain deficiencies have not been complied with by the petitioner college, provisional affiliation was not granted in respect of M.B.A. and M.E. (Thermal Engineering and Structural Engineering).

6. Learned Additional Advocate General appearing for the respondents 3 and 4 submitted that till date the petitioner college has not submitted any petition for affiliation in respect of M.B.A. and M.E. Courses.

7. Considering the facts and circumstances of the matter, it appears that the representation of the petitioner College which was resubmitted on 27.09.2018 is pending with the respondents 3 and 4. Therefore, they are directed to consider the said representation of the petitioner College dated 27.09.2018 on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this Order.

8. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Commissioner,
Directorate of Technical Education,
53, Sardar Patel Road, Guindy,
Chennai-600 025.
- 3.The Registrar,
Anna University,
Guindy, Chennai-25.
- 4.The Controller of Examinations,
Anna University, Guindy,
Chennai-600 025.

+1cc to Mr.G.Sankaran , Advocate SR.No. 88181

W.P.No.32945 of 2018

ASK(19/12/2018)

सत्यमेव जयते

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