

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
11.07.2018	30.07.2018

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CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.11425 of 2018

and

W.M.P (MD) Nos.10418 and 10419 of 2018

CSI Institute of Technology
Thovalai & PO,
Kanyakumari District
Rep. by its Correspondent
Rev.S.John Sahayam

... 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- 600 025. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the third respondent in Lr.No.225/CA1/AU/CR Scrutiny failed/ 2018-8 dated 11.05.2018 and to quash the same insofar as six degree courses namely B.E.Civil Engineering,, B.E Computer Science Engineering, B.E.Electrical and Electronics Engineering, B.E Electronics and Communication Engineering, B.E.Mechanical Engineering and B.Tech Information Technology with reduced intake of students and seven degree courses namely MCA Master of Computer Applications, M.E Applied Electronics, M.E Communication and Net working, M.E communication systems and M.E Communication systems and M.E Computer science and Engineering, M.E.Manufacturing Engineering, M.E Power Electronics and Drives, M.E structural Engineering and M.Tech Information Technology with zero intake of students for the academic year 2018-2019 is concerned and consequently direct the respondents to grant affiliation for the approved intake of students by all India Council for Technical Education (AICTE) for the respective courses for the academic year 2018-2019.



For Petitioner : Mr.F.Deepak
For Respondents
No.1 & 2 : Mr.N.Shanmuga Selvam
Additional Government Pleader
No.3 : Mr.M.Rajarajan

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ORDER

When the petitioner institution had applied for affiliation to the respondent university for the year 2018-2019, an inspection was conducted and certain deficiencies were pointed out with regard to six B.E degree courses and seven master degree courses. On 20.04.018 the petitioner's college had submitted a compliance report of the deficiencies pointed out. However, on 11.05.2018, the impugned order came to be passed stating that there existed certain library deficiencies in six B.E Degree courses and seven master degree courses.

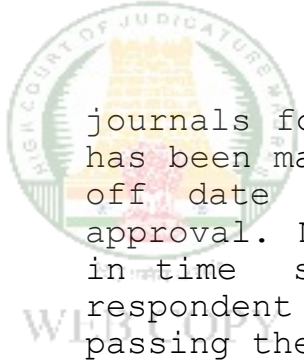
2. Accordingly the univeristy had decided to reduce the intake in sofar as the under graduate courses were concerned and "no admission status "was declared for the post graduate courses. Challenging the said order dated 11.05.2018, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that pursuant to the inspection report, they had complied with the deficiencies pointed out therein and therefore the impugned order is not proper.

4. On the other hand the learned counsel for the third respondent submitted as per the direction of this Hon'ble Court in Parshavanath Charitable Trust and Ors -vs- All India Counfil for Technical Education and Others in Civil Appeal No. 9048 of 2012 etc, the last date for granting or refusing approval by the university is on the 15th May of the acadmeic year and since the deficiency continued to exist, the impugned order came to be passed. Hence, the learned counsel for the third respondent sought for dismissal of the writ petition.

5. I have perused the compliance report submitted by the respondent dated 20.04.2018. It is stated that deficiency pointed out by the university is with regard to non availability of the journals in the library. Insofar as the complaince report is concerned, the petitioner had already subscribed for all the national and international journals on 16.04.2018 and 17.04.2018 itself and they were awaiting for the receipt of the journals. It is the submission of the learned counsel for the petitioner that since the subscription had already been made, the same would amount to complaince of the report. As a matter of fact, the petitioner had also informed the University about their subscription even prior to 15th May itself.

6. As rightly pointed out by the learned counsel for the petitioner the subscription for the national and international



journals for which non availability were pointed out as deficiency has been made on 16.04.2018 and 17.04.2018 which is prior to the cut off date prescribed by the Hon'ble Apex Court for granting approval. Non supply of all journals to the petitioner's institute in time should not be put against the petitioner and the third respondent ought to have considered this aspect at the time of passing the impugned order.

7. The only ground raised by the petitioner before this Court is that the deficiencies were rectified prior to 15.05.2018. In my view, the petitioner having subscribed to all the journals on 16.04.2018 and 17.04.2018 and intimated the fact to the respondents on 20.04.2018, the same would amount to compliance of the deficiencies. It is now reported that the petitioner has received all the national and international journals.

8. In the light of the above observations, it would be appropriate for the respondents to positively consider the petitioner's application seeking for approval.

9. In the result, the impugned order dated 11.05.2018 on the file of the third respondent is quashed and the matter is remanded back to the third respondent herein for a fresh consideration, in the light of the above observation and without reference to the deficiencies pointed out in the order dated 11.05.2018. Such an exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petitions are closed. Writ petition stands ordered accordingly.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

1. The 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.

+1CC to Mr. F. Deepak, Advocate, SR.No.75606

+1CC to Mr. M. Rajarajan, Advocate, SR.No.75720

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