

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10096 of 2011  
and M.P.No.2 of 2011

Sri Nandhanam College of Engineering  
& Technology  
represented by its Chairman,  
Tirupattur-635 601

.... Petitioner

-vs-

1. All India Council for Technical Education,  
represented by its Advisor (Approval),  
7<sup>th</sup> Floor, Chanderlok Building,  
Janpath,  
New Delhi - 110 001
2. The Principal Secretary/Commissioner of  
Technical Education,  
Government of Tamil Nadu,  
Chennai - 600 025
3. Anna University of Technology,  
represented by its Registrar,  
Chennai - 600 025

.... Respondents

Prayer: Writ Petition filed under Article 226 of the  
Constitution of India praying this Court to issue a Writ of  
Certiorari to call for the records of the first respondent in  
his proceedings in F.No.Excess-Admission/SRO/2009-10 dated  
21.01.2011 and quash the same.

For Petitioner : Mr.N. Muralikumaran  
for M/s Mcgan Law Firm

For R.1 : Mr.B. Rabu Manohar  
Standing Counsel

For R.2 : Mr.S. Suresh Kumar  
Govt. Advocate

For R.3 : Mr.M. Vijayakumar  
Standing Counsel

O R D E R

This Writ Petition is filed by the petitioners seeking for issuance of a Writ of Certiorari to call for the records of the first respondent in his proceedings in F.No.Excess-Admission/SRO/2009-10 dated 21.01.2011 and quash the same.

2. The first respondent, by his Proceedings in F.No.Excess-Admission/SRO/2009-10 dated 21.01.2011 regularised the admission with the following penalty:-

i) Surcharge amounting five times the total fees collected per student shall be levied against each excess admission.

ii) Seats equal to double the number of excess admissions shall be reduced from intake in the subsequent academic year (2011-12)

iii) Institution shall be listed as defaulter and defaulter list shall be notified on AICTE web-portal for the information of general public.

3. The impugned order further says that it is one time exception and any repetition of misconduct would render these institutions and such beneficiaries for withdrawal of approval.

4. The learned counsel for the petitioner, by assailing the impugned order, argued that the petitioner College is conducting education in Engineering and affiliation was granted by Anna University, Chennai. The respondent, without even giving any notice, violating the principles of natural justice, passed the impugned order. The question of granting excess admission has not been gone into by the respondents. Therefore, when the respondents have not even questioned about the excess admission granted by the Petitioner Institution, the impugned order is liable to be set aside.

5. Arguing further, it has been contended that the respondents have decided to regularise the excess admission by penalising surcharge amounting five times the total fees collected per student and seats equal to double the number of excess admissions shall be reduced from intake in the subsequent

academic year (2011-12) and the Institution shall be listed as defaulted list and the same shall be notified to AICTE web portal for the information of general public. It clearly shows that the petitioner Institution would be facing grave problem to their Goodwill, as a result of which, they will not be able to continue their Institution and therefore, the impugned order is liable to be set aside.

6. Mr.B. Rabu Manohar, learned Standing Counsel for the first respondent would submit that since the Petitioner Institution has committed mistake in admitting excess student in the Academic Year 2011-12 over and above the sanctioned strength, the order has been passed.

7. This Court is unable to accept the submissions of the learned standing counsel for the first respondent. The reason is either in the impugned order or in the counter affidavit, filed by the first respondent, no where it is mentioned that the petitioner was put on notice before passing the order and also have not mentioned about the excess admission granted by the petitioner Institution. Therefore, the impugned order, passed behind the back of the petitioner, without giving notice of hearing, violating the principles of natural justice, is liable to be quashed and accordingly it is quashed.

8. In the result, the writ petition is allowed. Liberty is granted to the respondents to proceed with action in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

sr  
To

1.The Advisor (Approval),  
All India Council for Technical Education,  
7<sup>th</sup> Floor, Chanderlok Building,  
Janpath,  
New Delhi - 110 001

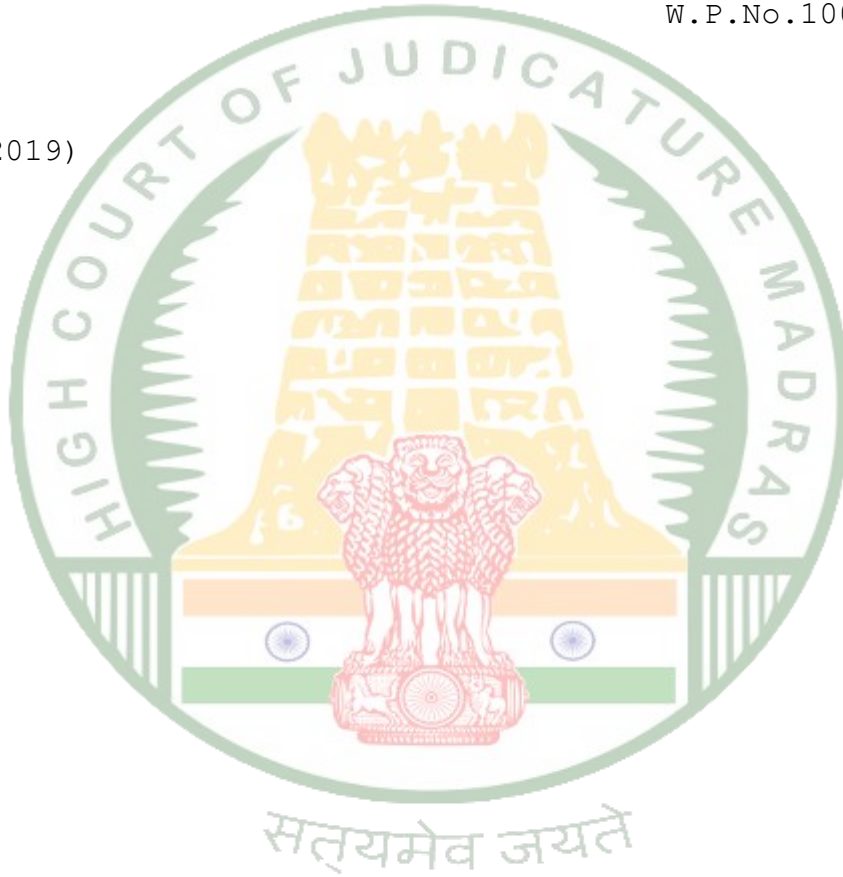
2. The Principal Secretary/Commissioner of  
Technical Education,  
Government of Tamil Nadu,  
Chennai - 600 025

3.The Registrar,  
Anna University of Technology,  
Chennai - 600 025

+1 CC to Mr.B. Rabu Manohar, Advocate sr 88683.  
+1 CC to Mr.M. Vijayakumar, Advocate sr 84243.  
+1 CC to M/s.MCGAN Law firm, sr 84336.  
+1 CC to Govt. Pleader sr 84583.

W.P.No.10096 of 2011

MR(CO)  
SP(17/12/2019)



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