

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.11582 of 2019
and W.M.P.Nos.11824 & 12360 of 2019

Sri Nandhanam Educational and
Social Welfare Trust
Rep.by its Trustee
Mr.PMN Mohan Krishnaa,

... Petitioner

Versus

1.All India Council of Technical Education AICTE,
Head Office,
Nelson Mandela Marg,
Vasant Kunj,
New Delhi-110070.

2.All India Council of Technical Education AICTE,
Southern Regional Office,
Shastri Bhavan,
26, Haddows Road,
Nungambakkam,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus directing the respondents to consider the application of the petitioner trust in Application No.14674798105 submitted for getting approval from the respondents for taking D.Pharm., and B.Pharm., for the academic year 2019-2020 submitted on 08.02.2019 through online in the web portal of the respondents and grant approval to the petitioner in accordance with law.

For Petitioner
For Respondents

: Mr.Amarnath R.N
: Mr.B.Rabu Manohar

O R D E R

The learned counsel for the writ petitioner would submit that with an intention to get affiliation to start Pharmacy course to the petitioner's Institute, he applied for affiliation to the respondent through on line and as a trial payment he paid Rs.25,000/- out of Rs.6,00,000/-. However, when he attempted to pay the balance sum of Rs.5,75,000/-, the web portal of the respondent did not properly respond to accept the remittance. Hence, he approached the help desk of the respondent over phone and attempted to make the balance amount. But, there was no proper response. Hence, on 30.03.2019, a demand draft was drawn on Bank of India, Anna Nagar, Chennai for a sum of Rs.5,75,000/- and submitted to the respondent through registered post. Since there was no response from the respondents regarding the application, the present writ petition has been filed.

2. The learned counsel appearing for AICTE would submit that as per the notification issued by the AICTE for approval process the last date for submission of online application ended on 08.02.2019. On that day the petitioner herein has not submitted his application along with requisite fees therefore, they are not in a position to consider the petitioner's application. The mandamus cannot be entertained, since the application is incomplete and without full fees prescribed for processing.

3. The perusal of the public notice for approval process 2019-2020 issued by AICTE reads as under

"Submission of online application for the session 2019-2020 in respect of all approvals as above shall begin on 14th January, 2019 and end on 3rd February, 2019. The last date for submission of online application with penalty (as per the provisions of APH 2019-20) for Extension of Approval based on self-disclosure for existing Institutions is permitted up to 8th February 2019. It may be noted that there shall be no further extension of date."

4. From the affidavit, this Court finds that the petitioner's institute has remitted only Rs.25,000/- for processing the application, that too on the last day of closing of the web portal. Thereafter, the petitioner has waited for nearly 50 days and drawn the Demand Draft for the balance amount and forwarded to the respondent. If there was some snag in the portal, which has prevented the petitioner herein for remitting the balance fee amount, the payment ought to have been made through alternate mode immediately. Whereas, in this case, the petitioner has slept over for 50 days to make the balance

payment. When time frame is fixed, it is for the petitioner to be vigilant and adhere the time frame.

5. Therefore, for the above said reason, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

rpl
To

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+1 CC to Mr.B.Rabu Manohar, Advocate sr 47357.

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PVS (CO)
SP(11/07/2019)

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