

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.06.2019

PRONOUNCED ON : 12.06.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.14631 of 2019 and
W.M.P.No.14632 of 2019

Amma Polytechnic College
represented by its Correspondent,
vilangadu,
Idumbavanam,
Thiruthuraipoondi Taluk,
Tiruvarur District – 614 703

Petitioner

Vs

1.The Chairman,
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Marg,
New Delhi – 110 070.

2.The Commissioner,
Department of Technical Education,
Guindy,
Chennai – 600 025.

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India for a writ of mandamus directing the respondents to give extension of approval to the petitioner college and permit the petitioner to admit the

students in three discipline i.e, Mechanical, Civil and Computer Science for the academic year 2019-2020 with an intake of 60 students for each discipline.

For Petitioner : Mr.C.Selvaraj, Senior Counsel
for Mr.P.Ganesan for C.S.Associates

For 1st Respondent : Mrs.AL.Gandhimathi, Standing Counsel
for AICTE

For 2nd Respondent : Mr.B.Rabu Manohar,
Standing Counsel

ORDER

Seeking a direction to the respondents to give extension of approval to the petitioner college and permit the petitioner to admit the students in three discipline i.e, Mechanical, Civil and Computer Science for the academic year 2019-2020 with an intake of 60 students for each discipline, the petitioner Institution is before this Court with this writ petition.

2.Heard the learned counsel for the petitioner; learned Standing Counsel for the first respondent and the learned counsel for the second respondent.

3.The case of the writ petitioner is that, they started their Institute in the year 2010-2011 after obtaining necessary approval from the

respondents. Till the academic year 2016-2017, the petitioner Institution had recognition and approval. Thereafter, they have not sought for any extension of approval. However, for the academic year 2019-2020, they have applied for extension of approval. Despite their application for extension of approval, their request was not considered by the respondents and their institution was categorised as an Institute not paid the process fees 'for approval', which according to the petitioner is factually incorrect.

4.The Inspection Committee, which visited the petitioner Institute pointed out certain deficiencies which occurred due to Gaja cyclone and the Management also rectified the same and submitted a letter for considering the extension of approval on 15.05.2019. Since, there was no response from the respondents, the petitioner has approached this Court invoking the right under Article 226 of the Constitution of India.

5.It is submitted by the learned counsel for the writ petitioner that the petitioner Institute which was catering the education need of the students in and around Thiruthuraipoondi Taluk was not in a position to admit students from the academic year 2017-2018. However, when they intended to seek extension of approval for the academic year 2019-2020 and paid necessary process fees, few deficiencies have been pointed out by the respondents

Committee. Immediately after their report, the petitioner Institute has substantially rectified the defects and complied the requirements as per the statute and the same has been informed to the authorities concerned vide letter dated 15.05.2019, seeking for extension of approval. The learned counsel would further submit that the petitioner Institute is ready for any inspection and the respondents may be directed to inspect and grant extension of approval so as to enable the writ petitioner Institute to admit students for the ensuing academic year.

6.The learned Standing Counsel for the first respondent/All India Council for Technical Education (AICTE) would submit that the petitioner Institute sought for extension of approval for the academic year 2019-2020. Pursuant to the application submitted by the petitioner Institute for extension of approval, the Committee conducted inspection of the petitioner Institute premises on 21.03.2019. Various deficiencies with regard to building/built-up/instructional/administrative/amenities area/faculty or anti-ragging etc., were pointed out and the report was uploaded on the portal of AICTE. The report was also placed before the Standing Hearing Committee on 21.03.2019. The representative of the petitioner Institute was heard. They sought for time to comply the deficiencies. Since the deficiencies were not rectified the approval for the academic year 2019-2020 was not

extended. The petitioner Institute preferred an appeal before the Appellate Committee and also appeared before the Appellate Committee on 12.04.2019. The Standing Appellate Committee has observed that the deficiencies pointed out in the report dated 21.03.2019 still exist and the infrastructure of the petitioner Institution substantially damaged were not been re-built, so, approval cannot be granted.

7.A detailed order was passed to this effect by the first respondent and the same has been communicated to the writ petitioner. In the said circumstances, it is submitted by the learned Standing Counsel for the first respondent that as per the Hon'ble Supreme Court guide lines, approval has to be given on or before 30th April 2019 for the ensuing academic year. Since, the writ petitioner till date, has not been rectified the deficiencies, their request for extension of approval for the academic year 2019-2020 cannot be considered.

8.The learned Standing Counsel appearing for the first respondent has also circulated a copy of the order dated 30.04.2019 passed by the first respondent. It is an admitted fact that the petitioner Institute is not functioning for the past two years and the Institution has been badly affected by Gaja cyclone during the month of November 2018. It is also the

admitted fact that the petitioner Institute has sought time till May 2019 to rectify the deficiencies through its letter dated 11.04.2019. Since the petitioner Institution has not rectified the deficiencies within the time prescribed, AICTE has issued order dated 30.04.2019 declining to grant extension of approval for the year 2019-2020 to the petitioner Institute.

9.It is pertinent to point, at this juncture that, in the order dated 30.04.2019 passed by the AICTE, it is specifically stated in paragraph No.10 that, the last date for granting approval is 30.04.2019 and the cut off date has been fixed by the Hon'ble Supreme Court. For easy reference, the said paragraph is extracted below.

“10.It must be further noted that clause 6.9 of the Regulations 2018 prohibits grant of any conditional approval and clause 2.24 of Chapter II of the Approval process Handbook 2019-20 read with clause 15 of Regulations, 2018 mandate Extensions of Approval for the Academic year 2019- 20 shall not be granted after 30th April, 2019 in compliance with the order of the Hon'ble Supreme Court of India dated 13.12.2012 (CA No.9048/2012)”

10.Therefore, the request made by the petitioner Institute on 15.05.2019 to give extension of approval claiming that they have rectified all the deficiencies pointed out by the respondents cannot be entertained since,

till 30.04.2019, the petitioner Institute has not rectified the deficiencies and an order has already been passed rejecting their request and the said order is not under challenge.

11.In the result, the writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

jbm

*Index: Yes/No
Speaking order/non speaking order*

Note:- Issue copy on 12.06.2019

12.06.2019



WEB COPY

To

1.The Chairman,
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Marg,
New Delhi – 110 070.

2.The Commissioner,
Department of Technical Education,
Guindy,
Chennai – 600 025.



WEB COPY

G.JAYACHANDRAN.J.,

jbm



Order made in
W.P.No.14631 of 2019

WEB COPY

12.06.2019