

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2019

Coram::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.15017 of 2019
& W.M.P.Nos.14979, 14981 & 14982 of 2019

Jayamatha Engineering College,
Rep. by its Administrative Officer,
Thirurajapuram, Muppandal,
Aralvaimozhi,
Kanyakumari District-629 301. ... Petitioner

/versus/

1. All India Council for Technical Education,
Rep. by Member Secretary,
Nelson Mandela Marg,
Vasant Kunj, New Delhi-110 070.
2. The Regional Officer,
AICTE - Southern Regional Office,
Shastri Bhavan, No.26, Haddows Road,
Chennai-600 006.
3. The Anna University,
Rep. by its Registrar,
Guindy, Chennai-600 025.
4. The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai-600 025. ... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in F.No.AICTE/AB/SR/PID-1-11931373 dated 13.05.2019 and quash the same and consequently direct the Respondents herein to grant Approval/Affiliation for Jayamatha Engineering College, Thirurajapuram, Muppandal, Aralvaimozhi, Kanyakumari District-629 301 for the academic year 2019-2020 onwards.

For Petitioner : Mr.Kandhan Duraisami

For R1 & R2 : Mr.B.Rabu Manohar

For R3 : Mr.L.P.Shanmugasundaram
Standing Counsel

<https://hcservices.ecourts.gov.in/hcservices/> For R4 : Mr.Suresh Kumar,
Government Advocate

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The petitioner/Jayamatha Engineering College was established in the year 1995, to conduct Engineering Courses. Though the impugned order, the petitioner/Institute is put on notice by All India Council for Technical Education (AICTE) that it is placed under No Admission Category. Hence, the Writ Petition.

3. According to the petitioner/Institute, the Inspection Committee of AICTE conducted inspection of the Jayamatha Engineering College but did not point any deficiency. As per the communication of AICTE, if there is no deficiency, the Inspection report will not be served to the Institute. Only there is any deficiency noted by the inspection committee, the same will be communicated for rectification and the Standing Hearing Committee (SHC) will consider the compliance noted. If the Institute is aggrieved by the order of SHC, appeal can be filed before Standing Appellate Committee (SAC). As far as the case of the petitioner/Institute is concerned, no such report regarding deficiency was intimated by the Inspection committee. But to their shock and surprise, the impugned order dated 13.05.2019 was passed, which indicates as below:

Whereas, as per the decision of Council, Surprise Inspection was conducted during A/Y 2018-19. EVC has noted various deficiencies. The report was placed before the SAC. The SAC recommended EOA for A/Y 2018-19 subject to compliance in regard to barrier free environment. Whereas, RO, SRO has conducted EVC in regard of Barrier Free Environment on 21.03.2019. The EVC has made the following observation:

1. No lift is available in the Institute.
2. Ramp is provided by cutting the stair case and not upto the prescribed standard of 1:12 ratio. The existing ratio of Ramp is (1:03) in words (one : three) which is inadequate.
3. Apart from Ground floor's major areas, there is no provision in form of Ramp/Lift for differently abled and no barrier free environment.
4. The toilet for differently abled (Male) having Indian W.C instead of European/English W.C.

4. The learned counsel appearing for the petitioner would submit that had the committee informed about this deficiency earlier, they would have rectified the deficiency. After, the deficiency been pointed by AICTE, they have made all the

arrangements to comply the requirements and within a period of three months, they will rectify all the deficiencies. An undertaking affidavit is also filed to that effect.

5. The learned counsel appearing for the AICTE submits that the committee had omitted to inform the Institute about the deficiencies noted, due to oversight. However, after scrutinising the inspection report, when it came to the notice of the authority that the petitioner/Jayamatha Engineering College lack certain infrastructure facilities, same has been communicated and the Institute and was placed under "No admission category". However, if the petitioner undertakes to rectify the deficiencies, within a period of three months, as per the undertaking affidavit, a AICTE has no objection to recall the order dated 13.05.2019. The deficiencies pointed by the AICTE is nothing do to with the academy but only with infrastructure facilities, which the petitioner/Institute undertakes to rectify, within the period of three months.

6. In the light of the peculiar facts and circumstances of the case, this Court has passed the following orders.

i). The deficiencies pointed by the AICTE vide its letter in F.No.AICTE/AB/SR/PID 1-11931373, dated 13.05.2019 has to be complied, within the period of three months, failing which the AICTE is at liberty to take suitable action against the petitioner/Institute, in accordance with law.

ii). Any admission made in the Petitioner/Jayamatha Engineering College, shall be subject to the Affiliation granted by AICTE.

iii). The candidates who attend the counselling should be adequately informed about conditions imposed by this Court.

7. Accordingly, this Writ Petition is Allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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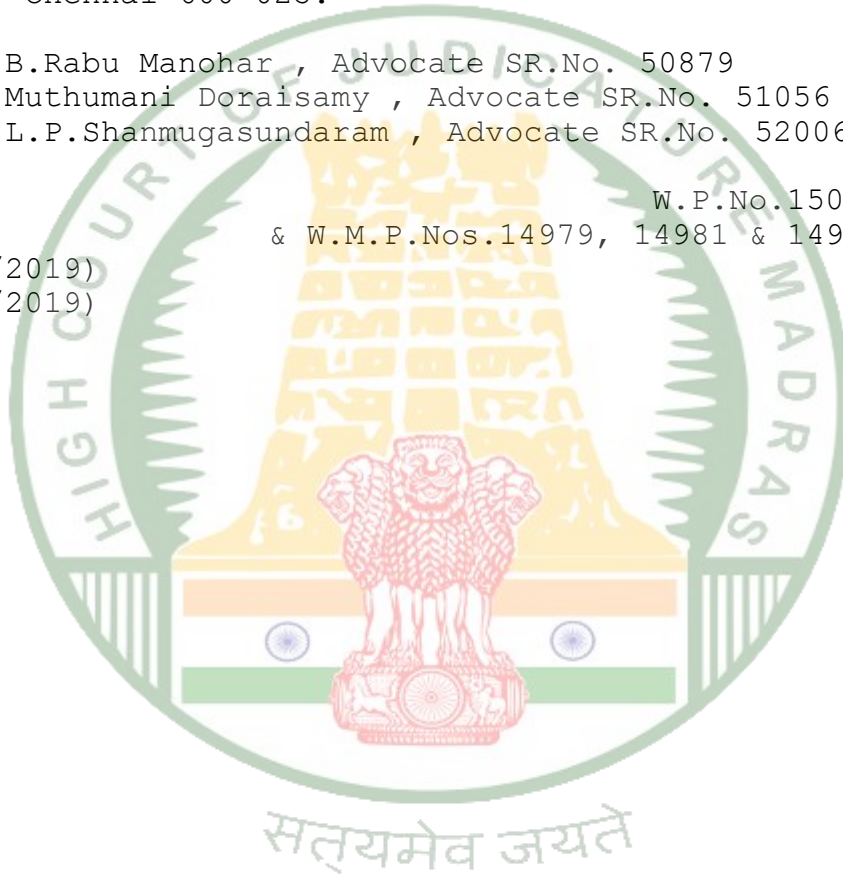
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+1cc to Mr.B.Rabu Manohar , Advocate SR.No. 50879
+1cc to Mr.Muthumani Doraisamy , Advocate SR.No. 51056
+1cc to Mr.L.P.Shanmugasundaram , Advocate SR.No. 52006

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A.SK(18/07/2019)
A.SK(22/07/2019)



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