



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.15460 of 2019
& W.M.P.No.15405 of 2019

The Chairman,
RVS School of Architecture.
Kumaran Kottam Campus,
Trichy Road, Kannampalayam,
Coimbatore. Petitioner

/verus/

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St.George, Chennai - 600 009.
2. The Principal Secretary,
Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai - 600 025.
3. The Anna University, Chennai,
Rep. by its Registrar,
Chennai - 600 025.
4. The Director,
Centre for Affiliation of Institutions,
Anna University, Chennai - 600 025. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 3rd respondent University vide Lr.No.282/CAI/AU/CR_F/2019, dated 11.05.2019 in so far as reducing the admission capacity by 20 seats out of eligible 40 seats in B.Arch course in the petitioner-college for the academic year 201-2020 is concerned, quash the same and further direct the 3rd and 4th respondents herein to allow the petitioner to retain the eligible intake admission capacity of 40 seats for admission during 2019-2020 and pass orders.

For Petitioner : Mr.Isaac Mohanlal, Senior Counsel
for Isaac Chambers.

For R3 & R4: Mr.A.Kumar, Additional Advocate General
Assisted by L.P.Shanmugasundaram,
Special Government Pleader

For R1 & R2 : Mr.S.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 grievance of the petitioner is that, the petitioner College is established in the year 2009 with affiliation of Anna University, to conduct B.Arch course with sanctioned strength of 40 students. While so, during the inspection conducted for the academic year 2019-2020, the Inspection Committee has found certain deficiencies and notice was issued for rectification. Accordingly, the compliance report was sent on 26.04.2019 by the Institute. Despite compliance of the deficiencies, the University vide order dated 11.05.2019 pointed out faculty deficiencies and reduced sanctioned intake from 40 to 20, which is under challenged in this Writ Petition.

3. In the counter, the respondents has submitted that, after the inspection conducted by the committee on 16.03.2019, deficiencies for faculty was observed and same was intimated to the Institute to rectify and report compliance. Accordingly, the Petitioner Institute uploaded the compliance report through web portal and also submitted the soft bound documents. The Scrutiny Committee of the University scrutinised the compliance report and found that the deficiencies pointed out earlier not been rectified, since there is no improvement in the faculty status. The Scrutiny committee on 29.04.2019 submitted its report to the University, pursuant to that, the University communicated to the respondents vide letter dated 11.05.2019 that for faculty deficiencies intake has to be reduced. Accordingly, reduced the intake strength to 20 from 40.

4. In the counter, the deficiencies found during the inspection and the report of the scrutiny committee, after receiving the compliance report is extracted below:-

i. Deficiency in Faculty:

A. List of Faculty members appointed after the inspection date should be uploaded in the Web Portal.

B. Supporting Documents:- Joining reports, appointment orders, individual faculty data sheets & summary sheet of faculty members downloaded from Anna University affiliation web portal, including the self attested copies of degree certificates and co-attested by the Principal of the college.

II. Deficiency in Laboratory:-

A. List of Equipments procured (course-wise and lab-wise details).

B. Supporting Documents:

i). Purchase order, Invoice Bill,

ii). Photographs of installation/operation of the equipment.

III. Deficiency in Library:-

A. List of Books/Journals purchased (course wise to be provided)

B. Supporting Documents: Purchase order, Invoice Bills.

It has been instructed that the petitioner has to follow the instructions given in the attachment regarding the submission of compliance report (CR) status course(s), (if any) and show cause notice (SN) status course(s) if any. The evidences submitted towards rectification of deficiencies will be scrutinized by an Expert Committee. Insufficient paper evidences may lead to penal action such as reduction of intake, grant of "No Admission Status" etc., The petitioner was also instructed that there would not be a 2nd opportunity to submit another compliance report and the same should reach the 2nd respondent on or before 12.04.2019. Hence, they have been advised to rectify the deficiencies in one stroke.

5. I submit that the college submitted the compliance report dated 09.04.2019 received on 10.04.2019. The compliance report was scrutinized by a Scrutiny Committee on 12.04.2019 (Annexure-III enclosed). Invoice Bill submitted for purchase of Library Books and Journals was not accepted by the Committee since the bills are not properly produced. As the Library Deficiency continued to exist in the College, the sanctioned intake values were reduced to 50% for all UG courses and No Admission for PG courses in accordance with the norms of Anna University and the College and informed through the letter

No.282/CAI/AU/CR_R/2019, dated 11.05.2019.

5. It is also stated in the counter that subsequent to the impugned order passed, the Council of Architecture, has also passed the order to reduce the intake observing the deficiencies in the College. Therefore, the order impugned in the Writ Petition is in order and justifiable.

6. This Court, after perusing the counter and the documents furnished by the counsels, this Court finds that the reason given by the 3rd respondent/Anna University, Chennai, for reducing the intake is justifiable and nothing to interfere.

7. However, it is now brought to the notice of this Court that the inspection conducted by the 3rd respondent is in accordance to Minimum Standards of Architectural Education Regulations, 2017. Whereas, the Division Bench of this Court vide order dated 04.06.2019 has struck down the regulations on the ground that the said regulations is not been approved by the Ministry of Human Resource Developments. In such case, the infrastructure including faculty strength of the Institute has to be tested in accordance with the Standards of Architectural Education Regulations, 1983, which was superseded by the Architectural Education Regulations, 2017.

8. In such circumstances, if the petitioner Institute makes representation to the University to conduct fresh inspection, as per the Standards of Architectural Education Regulations, 1983, the 3rd respondent/Anna University, Chennai, shall respond to it as early as possible by conducting complete the inspection and pass appropriate orders in consultation with Council of Architecture.

9. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

bsm

To,

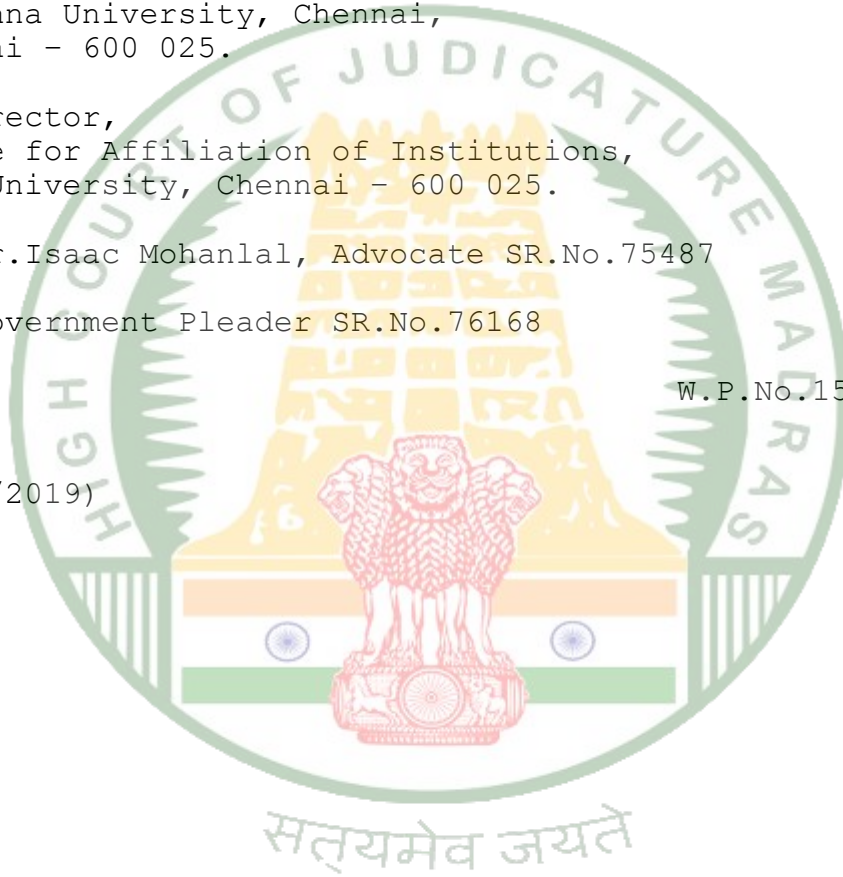
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Chennai - 600 025.
4. The Director,
Centre for Affiliation of Institutions,
Anna University, Chennai - 600 025.

+1cc to Mr.Isaac Mohanlal, Advocate SR.No.75487

+1cc to Government Pleader SR.No.76168

W.P.No.15460 of 2019

BP (CO)
GMY (23/09/2019)



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