

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.07.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition Nos.15862 & 18092 of 2019

and W.M.P.Nos.15679, 15682 and 17477 to 17479 of 2019

School of Architecture,
Mohamed Sathak Engineering College
Keelakarai
Rep.by Chairman, S.M.Mohamed Yousuf
Mohamed Sathak Trust,
6/1, Pycrofts Garden Road,
Thousand Lights,
Chennai-6.

...Petitioner in
W.P.No.15867/2019

Kongu School of Architecture,
Rep.by its Secretary,
Perundurai Railway Station Road,
Thoppupalayam,
Perundurai Taluk,
Erode District-638 052.

...Petitioner in
W.P.No.18092/2019

Vs

1. Anna University,
Rep.by its Registrar,
Chennai-25.

2. The Director,
Centre for Affiliation for Institutions,
Anna University, Chennai-25,

3. The Director of Technical Education,
3, Sardar Patel Road,
Guindy, Chennai-25 ... Respondents in both WPs

Prayer in W.P.No.15862/2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records of the 1st respondent in connection with the impugned orders passed by him in Letter No.282/CA1/AU/PRF/2019, dt 11.05.2019 and the consequential order passed by the 2nd respondent in his letter No.298/CA1/AU/2019 dt 21.05.2019 and quash the same in so far as the reduction of sanction from 60 to 30 to the petitioner's institution for the academic year 2019-20 in respect of B.Arch course and also with a direction to acknowledge the grant of continued provisional affiliation to the petitioner for B.Arch course with the continued sanctioned intake of 60

students for the academic year 2019-20 within a limited time frame and grant such other further relief.

Prayer in W.P.No.18092/2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records of the 1st respondent in connection with the impugned orders passed by him in Letter No.282/CA1/AU/CR_F/2019, dt 11.05.2019 in so far as it reduced the intake from 40 seats to 30 seats and the consequential order passed by the 2nd respondent in his letter No.298/CA1/AU/2019 dt 12.06.2019 and quash the same and consequently direct the respondents herein to grant affiliation /to include in counselling for the full intake of 40 seats in Kongu School of Architecture, Thoppupalayam, Perundurai Taluk, Erode District-638 052 for the year 2019-2020 in the light of the order of the Hon'ble Division Bench in W.A.No.909 of 2017 dated 16.08.2017.

For petitioner in : Mr.Venkatraman, Sr.C.
W.P.No.15862/19 For M/s.A.Shaik Pareeth
For petitioner in : Mr.Doraisami, Sr.C
W.P.No.18092/19
For R1 & R2 in both WPs : Mr.M.Vijayakumar
For R3 in both Wps. : Mr.S.Sureshkumar
Government Advocate
COMMON ORDER

These two writ petitions are arising out of common facts namely reduction of intake due to lack of teaching faculty.

2. These two writ petitioners are established Engineering College offering B.Arch course. Their grievance is that after the inspection conducted by the Anna University, they have pointed out certain deficiencies with regard to faculty and infrastructure. Accordingly, they rectified the defects and submitted the compliance report. However, the impugned order was passed on 11.05.2019 reducing the intake stating that there is faculty deficiency.

3. The main grievance of the petitioners herein is that there was no adequate notice given by the respondents 1 and 2 indicating the actual deficiency found during the inspection and even after compliance of the requirements as mandated under the regulations in the year 2017, they have not considered the compliance report and has passed a cryptic order without any reason reducing the intake.

4. To cut short the major allegations and averments made by the petitioner, it is suffice to point out that

the list of faculty furnished by the petitioners have not been taken into consideration by the second respondent for various reasons and those reasons are stated only in the counter and additional counter. As far as the annexure to the show cause notice is concerned, the percentage of deficiencies are pointed out and number of faculties present under the various category such as Associate Professor and Assistant Professor are given.

5. Now it is brought to the notice of this Court that the Division Bench of this Court has struck down the Minimum Standards of Architecture Education Regulations, 2017 on the ground that the same has not been approved by the Government as required under Section 45 of the Architecture Act and earlier Regulations of the year 1983 alone has to be applied for assessing the standard. The petitioners institute are ready to satisfy all the requirements under Regulations 1983, even though it is more stringent than the Regulations, 2017.

6. In the said circumstances, an opportunity should have been given to the institutes to satisfy the affiliating agency about the Regulations, since the impugned order of the Anna University is based on 2017 regulations. Standard prescribed under the 2017 Regulations and the observation of the Anna University is also disputed by the institutes more particularly, regarding the faculty strength availability in the institutes. Therefore, the impugned order dated 11.05.2019 reducing the intake of the petitioners institute is hereby quashed. The petitioners institute shall be ready with all infrastructural facility by 02.08.2019. The Inspection team of the Anna University shall visit the institutes between 3.08.2019 to 09.08.2019, after due notice to the petitioners institute and pass appropriate orders.

7. With the above direction, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpl

To

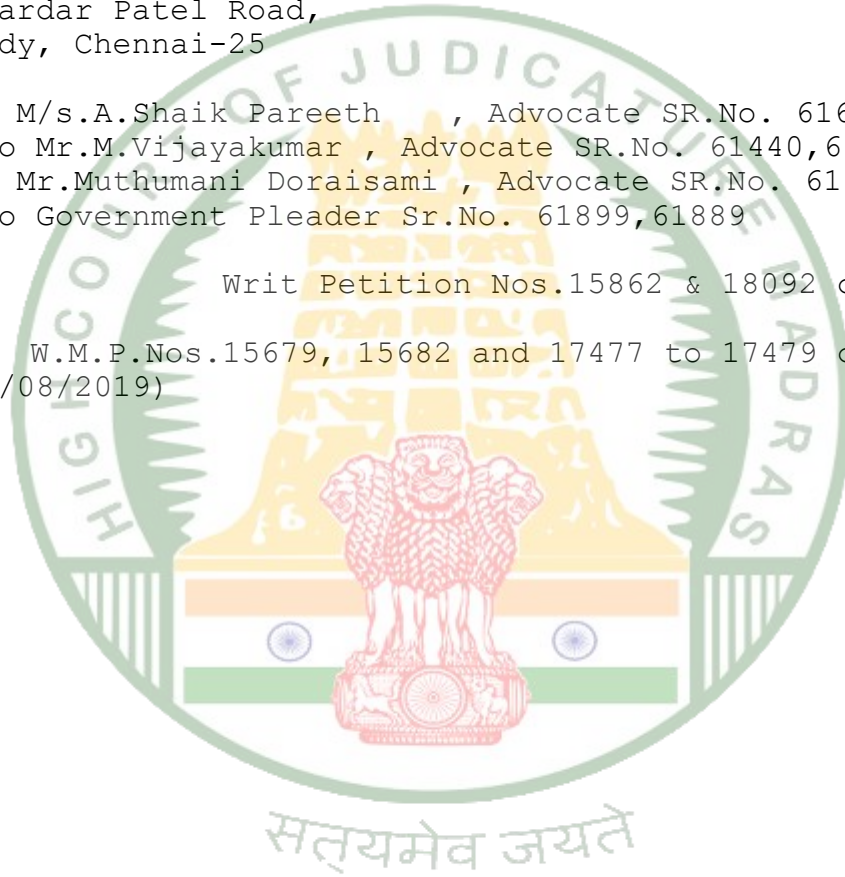
1.The Registrar,
Anna University,
Chennai-25.

2.The Director,
Centre for Affiliation for Institutions,
Anna University, Chennai-25,

3.The Director of Technical Education,
3, Sardar Patel Road,
Guindy, Chennai-25

+1cc to M/s.A.Shaik Pareeth , Advocate SR.No. 61628
+2ccs to Mr.M.Vijayakumar , Advocate SR.No. 61440,61441
+1cc to Mr.Muthumani Doraisami , Advocate SR.No. 61604
+1 cc to Government Pleader Sr.No. 61899,61889

Writ Petition Nos.15862 & 18092 of 2019
and
W.M.P.Nos.15679, 15682 and 17477 to 17479 of 2019
A.SK(07/08/2019)



WEB COPY