

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.07.2019

PRONOUNCED ON : 30.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.16688 of 2019 and  
W.M.P.No.16311 of 2019

Mohamed Sathak A.J Academy of  
Architecture rep. By its Chairman,  
S.M.Mohamed Yusff  
s/o Mohamed Sathak Thambi  
having his office at  
Mohamed Sathak Trust,  
6/1 Pycrofts Garden Road,  
Thousand Lights,  
Chennai - 6.

... Petitioner

Vs

1. Anna University,  
Rep. By its Registrar,  
Chennai 25.

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

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

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the second respondent in letter No.245/CAI/AU/2019 dated 05.04.2019 and the consequential order of the first respondent in connection with the impugned orders passed by him in letter No.282/CAI/AU/CRF/2019 dated 11.05.2019 and quash the same in so far as the reduction of sanction from 120 to 90 to the petitioner's institution for the academic year 2019-2020 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 120 for the academic year 2019-2020 and also for M.Arch conservation course with the continued intake of 20 and to remove the no admission status for the P.G courses within a limited time frame.

For petitioner :Mr.Venkataramani, Senior Counsel  
for Mr.A.Shaik Pareeth

For Respondents 1 and 2:Mr.L.P.Shanmuga Sundaram,  
Standing Counsel

For 3<sup>rd</sup> Respondent :Mr.S.Suresh Kumar, Government Advocate

#### ORDER

The petitioner college was granted provisional affiliation to impart Under Graduate and Post Graduate Architecture courses in their college by the first respondent University with intake of 120 students for U.G and 20 students for P.G Architecture courses. For extension of affiliation for the academic year 2019-2020, the petitioner college uploaded its application in the prescribed format along with relevant information of the academic/infrastructure facilities. Pursuant to the application, the Inspection Committee of the first respondent University visited the petitioner college on 04.03.2019. The inspection team observing high level of deficiencies issued show cause notice to the petitioner college on 05.04.2019 to rectify the deficiencies and report compliance prior to 20.04.2019. The petitioner college in response to the show cause notice submitted the compliance report on 19.04.2019. After considering the compliance report, the first respondent granted affiliation for the academic year 2019-2020 for B.Arch reduced intake of 90 students and for M.Arch (Conservation), the University declined to sanction admission.

2.The petitioner contends that there is absolutely no faulty deficiency in their college which warrants reduction of intake strength in U.G from 120 to 90 and put P.G course under 'no admission category'. The intake strength can be reduced only if the deficiency is above 25% while the Council of Architecture in Ref.No.CA/5/Academic/TN 29 dated 15.05.2019 had decided to grant extension of approval to the petitioner college for B.Arch course with sanctioned strength of 120 students, the University reducing the intake strength is illegal and violation of natural justice.

3. According to the petitioner, the required faculty for B.Arch course with intake of 120 students is 43 and same has been complied by the petitioner. In the compliance report, fresh appointment orders for visiting faculty also annexed. M.Arch (Conservation) two new professors appointed along with 5 Associate Professors. Thus, the deficiencies in faculty pointed out during inspection was rectified and the same is reflected in the compliance report. Being the case, the respondents without proper scrutiny, have passed the impugned order dated 11.05.2019.

4. The above said contention raised by the petitioner is countered by the respondents as below:-

The annual inspection of the petitioner college was done by Inspection Committee of the respondent University on 04.03.2019 after due notice to the petitioner. Inspection was done in their presence and the deficiencies were noted and intimated to them. Along with the show cause notice, the extract of the inspection report was annexed. As against the required faculty strength of 60, only 42 faculty were available for B.Arch course and for required faculty strength of 8 only 5 were available for M.Arch (conservation) course. Besides, deficiency in the faculty, there was also deficiency in laboratory. Hence, under the show cause notice, the petitioner Management was directed to rectify the deficiencies pointed out in the annexure and submit suitable reply along with compliance report on or prior to 20<sup>th</sup> April 2019. In the show cause notice, it is also made clear to the petitioner that, if the petitioner Management fails to submit suitable reply to the show cause notice along with the compliance report, the University is at liberty to suo motu take action to decline permission or to reduce the intake. Further, it was also intimated to them that there will be only one opportunity to submit compliance report after rectifying the existing deficiencies.

5. The compliance report submitted by the petitioner College on 19.04.2019 was scrutinized by the Scrutiny Committee on 26.04.2019. The Scrutiny Committee after analysing the compliance report observed that the deficiencies in faculty pointed out during the inspection still exist. The respondents have mentioned into counter the deficiencies not rectified by the petitioner Institute even after affording opportunity to rectify the same.

6. The observation of the Scrutiny Committee as found in the counter is extracted below:-

"For B.Arch Architecture course, only 42  
faculty members were available as against

the requirement of 60 faculty members. In the compliance report, the college has produced documents for appointment of new 4 faculty members. Among the 4 faculties, the Committee accepted the documents of 2 faculties alone. In respect of remaining two faculty members namely Mrs.Pallavi Damodara and Mrs.Vidaya Anil whose degree certificates were not available in the compliance report, hence their appointment were not accepted. Therefore, faculty deficiencies continued to exist.

(ii) Faculty of M.Arch Conservation Course

| S.No | Name of the Faculty | Approved/Not Approved |
|------|---------------------|-----------------------|
| 1    | Mr.Vaidyanathan.K   | Not Approved          |
| 2    | Mr.Mohammed Idris.H | Not Approved          |

For M.Arch Conservation course, only 5 faculty members were available as against the requirement of 8 faculty members. In the compliance report the College has produced documents for 2 faculty members.

The Committee did not accept two faculty members namely Mr.Vaidyanathan.K and Mr.Mohammed Idris.H., whose degree Certificates were not available, hence not accepted. So faculty deficiencies continued to exist."

7.The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the required number of faculty for B.Arch course with intake of 120 students is 60 whereas, only 44 faculties were available and the shortage is 16. For M.Arch (conservation) when the required faculty is 8, only 5 were available and the shortage is three faculty. Further, learned Special Government Pleader would also submit that there is overlapping faculty for B.Arch and M.Arch, which now has come to light. Pointing out that two faculty members Vaidyanathan and Mohamed Idris shown in the B.Arch category are also shown in M.Arch category. If the overlapping of these two faculties to be taken into consideration, then the deficiencies in M.Arch will be 5 as against the required strength of 8. For the said reason, the first respondent has reduced the intake for B.Arch and prohibited the institution not to admit any candidate

for M.Arch Conservation course.

8.The perusal of the records indicates that when the required faculty for B.Arch is 60, the petitioner admits that they have only 43 faculty and rest of the faculties are appointed as visiting faculty. However, there is no certificate produced along with the compliance report. Further, visiting faculty cannot be considered as a full time faculty as required under the Regulation. So, the Scrutiny Committee has rightly observed that the deficiency in faculty still exist. Similarly, in the list of faculty, the name of Vaidyanathan and Mohamed Idris is reflected both in B.Arch and M.Arch course. Therefore, the inspection committee taking note of the total shortage in the faculty for M.Arch has put the University under no admission category for P.G Course. From the show cause notice and the annexures to it pointing out the deficiency and the compliance as reported by the petitioner, the shortage in faculty has warranted the order dated 11.05.2019. This Court finds no error in the said order to interfere.

9.The learned counsel for the petitioner would further submit that the Regulation issued by the Council of Architect in the year 2017 has been struck down, as illegal, by the Division Bench of this Court and therefore, the Regulation issued in the year 1983 has to be applied for granting affiliation to the petitioner Institute. Whereas, the learned counsel for the University would submit that the intake strength of the petitioner Institute has been restricted due to shortage of faculty. In fact, as per the 2017 regulation, the required faculty - Student ratio is 1:10. But, as per the old regulation, it is 1:8. Therefore, the requirement of faculty in the petitioner Institute will be more if the old regulation has to be applied. In any event, there will be shortage of faculty and reduction of intake is inevitable.

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

Sd/-

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Registrar,  
Anna University,  
Chennai 25.

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

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

+lcc to Mr. A.Shaik Pareeth, Advocate SR.No. 65110  
W.P.No.16688 of 2019  
A.SK(01/08/2019)



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