IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.07.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.17845 of 2019
& W.M.P.Nos.17248 & 17250 of 2019

The Chairman,
Indira Institute of Engineering and Technology,
No.1, V.G.R. Garden V.G.R. Nagar,
Pandur, Thiruvallur Taluk and District,
Thiruvallur-631 203. ... Petitioner

/versus/

1. The State of Tamil Nadu,
   Rep. by its Principal Secretary to Government,
   Higher Education Department, Secretariat
   Chennai - 600 009.

2. The Anna University
   Rep, by its Registrar,
   Guindy, Chennai - 600 032. ... 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 pertaining to the letter dated 11.05.2019, having reference No.282/CAI/AU/CRF/2019 issued by the 2nd Respondent and quash the same and consequently direct the 2nd Respondent to consider the Petitioner's compliance Report dated 16.04.2019 that has met all the deficiencies and to continue its provisional affiliation granted every year to admit the student for the M.B.A course and M.E. (Construction Engineering and Management) Course in the Petitioner Institution and thus render justice.

For Petitioner : Mr.Kavitha Deevadayalan

For R1 : Mr.S.Suresh Kumar,
Government Advocate

For R2 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

O R D E R

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

2. The writ petitioner herein aggrieved by the order of the 2nd respondent placing the Institute under "No Admission Category" in respect of M.B.A (Master of Business Administration) and M.E (Construction Engineering and Management) courses is before this Court, challenging the order of the 2nd respondent, dated 11.05.2019. According to the petitioner, the 2nd respondent/Anna University, after conducting inspection of his Institute, submitted a deficiency report on 05.04.2019. Taking note of the deficiency pointed by the Inspection committee, the petitioner Institute has rectified those deficiencies and submitted compliance report on 16.04.2019. While so, the 2nd respondent/Anna University, has accepted the compliance in respect of all other courses, except M.B.A (Master of Business Administration) & M.E (Construction and Engineering Management) courses and has passed the impugned order dated 11.05.2019, placing M.B.A and M.E (Construction Engineering and Management) under "No admission category". By virtue of this impugned order, the petitioner Institute is deprived of admitting 120 candidates in M.B.A and 18 candidates in M.E (Construction Engineering and Management) courses.

3. The Learned Counsel appearing for the petitioner would submit that the reasons stated by the 2nd respondent/Anna University, for not granting affiliation for the above two courses is very flimsy and unacceptable. When the AICTE handbook clearly indicates that the Institute can utilise open source software and same has to be encouraged, the three software's referred has deficiency in the laboratory are available in the Institute, downloaded through open source and also they have purchased. Though, the invoice was produced to the 2nd respondent/Anna University, they have refused to accept the invoice on the ground that the invoice does not carry GST number. Mere omission to mention GST number due to inadvertence cannot be the reason to place these two courses under "No admission category".

4. Per contra, the learned Standing Counsel appearing for the 2nd respondent/Anna University, would submit that when the Institute was inspected on 25.03.2019 by the Inspection committee, they found several defects in the infrastructure as well as in the faculty and laboratory. Show cause notice was issued to the Institute to rectify those defects and report compliance on or before 20.04.2019. On receipt of the

compliance report, the scrutiny committee of the 2nd respondent has found that some of the defects been rectified and few were not rectified, particularly for M.B.A & M.E (Construction Engineering and Management) courses. Purchase bills without GST number were submitted. The authenticity of the invoice as well as the factum of purchasing the software mentioned in the invoice doubtful. Hence, the 2nd respondent has placed these two courses under "No admission category", whereas, permitted the petitioner to admit students for the other courses.

5. It is submitted that only in view of the deficiency, the respondent has passed order on 11.05.2019, directing the petitioner Institute not to admit candidates for M.B.A (Master of Business Administration) and M.E (Construction Engineering and Management) courses.

6. In the judgment passed in Parshavanath Charitable Trust and others Vs. AICTE and others reported in 2013 (3) SCC 385. The last date for granting affiliation was expired on 15th may and no further extension can be done by any authority has indicated by the Hon'ble Supreme Court in the said judgment:-

> 42. The admission to academic courses should start, as proposed, by 1st August of the relevant year. The seats remaining vacant should again be duly notified and advertised. All seats should be filled positively by 15th August after which there shall be no admission, whatever be the reason or ground.
>
> 43. We find that the above schedule is in conformity with the affiliation/recognition schedule afore noticed. They both can co-exist. Thus, we approve these admission dates and declare it to be the law which shall be strictly adhered to by all concerned and none of the authorities shall have the power or jurisdiction to vary these dates of admission. Certainty in this field is bound to serve the ends of fair, transparent and judicious method of grant of admission and commencement of the technical courses. Any variation is bound to adversely affect the maintenance of higher standards of education and systemic and proper completion of courses.

7. On considering the rival submissions and the records produced by the respective parties, the deficiency pointed out in the Inspection report in respect of M.B.A (Master of Business Administration) is non availability of following two software's BA5111 Spoken and Written Communication-11 and BA 5211 Data Analysis and Business Modeling - 50. Similarly the deficiency pointed out by the Inspection committee for the M.E (Construction Engineering and Management) course, is non-availability of following software's CN 7211 Advanced Construction Engineering and Computing Techniques Laboratory-86.

8. The invoice produced by the petitioner though indicates that they have purchased those software's on 04.04.2019 and 05.04.2019, obviously the invoice does not carry GST number. Now the petitioner would submit that the non-availability of GST number is only due to inadvertence and it does not mean that they have not purchased those software's and installed in their system. If it is so, this Court is of the opinion that there is no impediments for the 2nd respondent to verify the same, and if satisfied that they have purchased and installed these software's, permit them to admit students for the M.B.A and M.E (Construction and Structural Engineering Course).

9. The entire issue boils down to the fact whether three software's alleged to have been purchased by the petitioner were really purchased from the registered dealer or it is a fake bill. If the petitioner Institute can satisfy the Anna University, the second respondent herein by producing the GST number of their supplier namely M/s.SPSS South Asia and M/s.Deeraj Enterprises. If the petitioner is able to furnish GST number of the suppliers and the invoice related to the purchase of the softwares, which are found deficiency during the inspection, then the second respondent herein is directed to grant affiliation of these two courses. If the petitioner fails to furnish GST number, within a period of five days from today, the impugned order stands confirmed.

10. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

bsm

To,

1. The Principal Secretary to Government,
   State of Tamil Nadu,
   Higher Education Department, Secretariat,
   Chennai - 600 009.

2. The Registrar,
   The Anna University,
   Guindy,
   Chennai - 600 032.

+1cc to Mr.Kavitha Deevadayalan, Advocate SR.No.57881

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.58966

+1cc to Government Pleader SR.No.59204

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SS(CO)
GMY(07/08/2019)