



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 01.08.2019	Pronounced on: 07.08.2019
-------------------------	---------------------------

Coram::

The Honourable Dr.Justice G.Jayachandran

Writ Petition No.17998 of 2019
& W.M.P.No.17404 of 2019

San International Business School,
Rep.by its Chairman,
T.Jayalakshmi,
ACC Pirivu, Navakkarai Post,
Maruthuvampatti Village,
Coimbatore - 641 105.

... Petitioner

/versus/

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

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the entire records relating to impugned order letter issued by the respondent in Lr.No.282/CA1/AU/CR F/2019, dated 11.05.2019 quash the same consequently direct the respondent to issue affiliation to the petitioner of the Institute for the Post Graduate course in M.B.A. Master of Business Administration for the academic year 2019-2020 and pass order.

For Petitioner : Mr.R.Ezhilarasan

For Respondent : Mr.A.Kumar,
Additional Advocate General VII
Asst. by Mr.M.Vijayakumar

WEB COPY
O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondent.

2. The petitioner herein is the representative of San International Business School which offers M.B.A (Master of

Business Administration) course for the past 12 years, after obtaining approval from the All India Council for Technical Education (AICTE). For the academic year 2019-2020, the petitioner sought for extension of approval for M.B.A Course and forwarded the application to AICTE. The AICTE has granted approval for intake of 81 students for the academic year 2019-2020. While so, the respondent who is the representatives of the affiliating University namely the Anna University issued letter dated 21.03.2019 informing the visit of University Inspection Committee on 30.03.2019. After inspection, the respondent issued show cause notice dated 05.04.2019 pointing out the deficiencies in the facilities. After rectifying the deficiencies, the petitioner filed compliance report to the respondent, without conducting further inspection and proper scrutiny of the compliance report, the respondent has issued letter to the petitioner on 11.05.2019 refusing the permission to admit candidates in the M.B.A course. The reason for denial of permission is cited as "Library Deficiencies continue to exist". The said order is impugned in this Writ Petition on the ground that in respect of rectifying the deficiencies and production of documents in the compliance report, the respondent has erroneously issued impugned order dated 11.05.2019, restraining the petitioner from admitting students in the M.B.A course.

3. According to the learned counsel for the petitioner, the AICTE which is the authority for granting approval, has granted approval for the petitioner/Institute to admit students for the academic year 2019-2020 with intake of 81 students. The extension of approval was granted by the AICTE vide order dated 25.04.2019. While so, the respondent has denied the permission to admit students by passing the cryptic order. Even according to the AICTE norms and the e-mail sent by the respondent University, the required number of journals are 6 international journals and 6 National journals. The AICTE being satisfied with availability of necessary journals and Library facility has extended the approval for the academic year 2019-2020 with intake of 81 students. Surprisingly, the Anna University, by fixing the required norms of journals as 12 International and 12 National journals had concluded that the petitioner/Institute lack Library facility. Since the Inspection committee of the University has recorded the shortage of 13 journals. The Petitioner/Institute had placed purchase order for requisite number of journals and has already purchased enough journals. The respondents without considering the compliance report in respect of journals purchased, had mechanically passed the order of "No Admission Category".

4. In the counter affidavit, the respondent has stated that the inspection committee of the Anna University conducted

inspection of the petitioner Institute on 30.03.2019. The inspection team, pointed out the deficiencies for Library books and journals of the Institute since the level of deficiency in the Library was high. Show cause notice was issued to the College on 05.04.2019 annexing the deficiency report of the inspection team. Two weeks was granted to the petitioner to rectify the deficiencies and submit compliance report with evidence. The college was instructed to submit the details of Library books and journals in the Web portal and submit documentary evidence to the University. The petitioner submitted the compliance report dated 17.04.2019, which was received by the University on 22.04.2019. On scrutiny of the compliance report by the scrutiny committee, it was found that the invoice submitted by the petitioner, for purchase of library books and journals were not acceptable. Hence, the College was put under "No admission Category" for M.B.A course, the same was communicated to the petitioner Institute on 11.05.2019. The late date for granting approval/affiliation to the concerned Institute/College is 15.05.2019, as per the deadline fixed by the Hon'ble Supreme Court in Parshavanath Charitable Trust and others Vs. AICTE and others reported in 2013 (3) SCC 385:-

"The order granting or refusing approval, thus, should positively be passed by 10th April of the relevant year. The appeal should be filed within one week and the Appellate Committee should hear the appeal and decide the same by 30th April of the relevant year. The University should grant/decline approval/affiliation by 15th May of the relevant year. Advertisement should be issued and entrance examination conducted positively by the end of the month of May."

5. The petitioner herein having failed to rectify the deficiencies within the time prescribed and the invoice produced by them to show that they have purchased the necessary journals were found to be false. The respondent has rightly rejected their request of affiliation and placed the petitioner/Institute under "No Admission Category".

6. The learned counsel appearing for the petitioner, in the light of the above submission made by the respondent, had circulated the "Certificate of the Librarian" on 17.07.2019, listing out the availability of 6 National journals and 5 International journals already available in the Library and 8 International journals purchased after the inspection committee visited the petitioner/Institute to fulfil the deficiencies pointed out by the inspection committee.

7. Per contra, the respondent has filed the typed set

of papers, wherein, the Global Interactive Malls Private Limited "Website:http://www.magazinemall.in, in which the petitioner alleged to have placed the purchase order on 08.04.2019 for purchase of 8 International journals shown as incorrect website. The said Company is non-existing and the tracking of "Magazinemall.in" address indicates that there is no Company by name Global Interactive Malls Private Limited at Plot Nos.845-846, Udyog Vihar, Phase-V, Gurgaon, Haryana, India. Therefore, after verifying the Web-portal, noting the discrepancy found, the University has rejected the compliance report of the petitioner/Institute.

8. It is the case of the petitioner is that even according to the University e-mail sent to all Colleges on 28.06.2019 the required number of journals is 6 each in International and National publications. Whereas, all of the sudden, the respondent, contrary to their own mail, now prescribe norms of 12 journals each in National and International publications. When the e-mail sent by the respondent University on 28.06.2019 confronted the Learned Additional Advocate General representing the respondent, he submit that the said norms of journal is for B.E/B.Tech under Under Graduate course. Whereas for M.B.A course, the numbers of journals fixed by AICTE is 15 each for National publication and International publication. He has also circulated the Annexure-4, which prescribes Norms for Central Library (vide Section R9) and submitted that though the AICTE prescribes 15 National and 15 International journals, the University expects a minimum of 12 journals for National publication and International publication, which the petitioner/Institute fail to possess.

9. There is a factual contradictions between the statement made by the petitioner and the report of the respondent committee. If the required number of journals are 12 National and 12 International publications and if the report of the College Librarian dated 17.07.2019 is accepted, the petitioner College had substantially fulfilled their required norms. On the other hand, if the contention of the respondent that the statement of the Librarian is false and the invoice produced by the petitioner is fake, then the order of no admission is valid. However the veracity of the rival contention can be tested only on re-inspection of the Institute.

10. In the said circumstances, the respondent is directed to depute Inspection team to inspect the Library of the petitioner/Institute to ascertain the actual number of journals available in the petitioner Library. The said exercise shall be undertaken within a period of one weeks, from the date of receipt of a copy of this order. If the required number of Journals available in the Library as mentioned in the compliance

report, the respondent herein is directed to pass order permitting the petitioner Institute to admit students for M.B.A course. If the Library deficiencies still exists, same may be communicated to the petitioner forthwith.

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

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Bsm

To

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

+1cc to Mr.M.Vijayakumar, Advocate, S.R.No. 67814
+1cc to Mr.R.Ezhilarasan, Advocate, S.R.No. 67502

Writ Petition No.17998 of 2019
& W.M.P.No.17404 of 2019

NM(CO)
GN(08/08/2019)

सत्यमेव जयते

WEB COPY