

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.18032 of 2019
and W.M.P.Nos.17429, 17432 & 17433 of 2019

Sri Ganesh College of Engineering and Technology,
Rep by its Chief Executive Officer,
Keelparikalpattu Road,
Mullodai Manapet Post,
Bahour, Puducherry-607 402. ... Petitioner

Versus

- 1.All India Council for Technical Education,
Rep.by Member Secretary,
Nelson Mandela Marg,
Vasant Kunj, New Delhi-110070.
- 2.The Regional Officer,
AICTE-Southern Regional Office,
Shastri Bhavan, No.26, Haddows Road,
Chennai-600 006.
- 3.The Pondicherry University,
Rep.by its Registrar,
Puducherry-605 001.
- 4.Centralised Admission Committee (CENTAC),
Government of Puducherry,
Rep by its Convenor,
CENTACoffice, PEC Campus, Pillachavady,
Puducherry-605 014. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus calling for the records of the 1st respondent in F.No.AICTE/AB/SR/PID1-15572441 dated 25.03.2019 and F.No.Southern/1-4266883382/2019/No Admission dated 30.04.2019 and quash the same and consequently direct the respondents herein to grant Approval/Affiliation/inclusion in CENTAC counselling for Sri Ganesh College of Engineering and Technology,Keelparikalpattu Road, Mullodai Manapet Post, Bahour, Puducherry-607 402 for the academic year 2019-20 onwards.

For Petitioner : Mr.Duraisami, Senior counsel
for M/s.Muthumani Doraisami

For R1 : Mrs.A.V.Bharathi for R3
For R3 : Mr.S.S.Pajani Radja, CGSC
: Mr.B.Rabu Manoha R2
: Mr.C.T. Ramesh, AGP (Pondy)
for R4

O R D E R

The petitioner herein running an Engineering College at Puducherry has sought for Approval/Affiliation without infrastructure facilities lift and ramp. When the All India Council for Technical Education (AICTE) conducted inspection in the year 2018 for grant of approval for the academic year 2018-2019 the petitioner Institute gave an undertaking that it will install lift and ramp. Hence, the approval for the year 2018-2019 was granted by the AICTE.

2. However, when the Inspection team of AICTE visited the petitioner's institute on 19.02.2019, for the academic year 2019-2020 they found that the petitioner's institute has erected only ramp but not lift. Hence, the first respondent based on the inspection committee report placed the petitioner's institute under "No Admission Category" which is now challenged in this writ petition.

3. According to the petitioner, when the AICTE inspection team visited their institute previous year, they pointed out that institutes should install lift / ramp. The petitioner institute gave an undertaking to Standing Appellate Committee (SAC) on 14.02.2018 that they will provide barrier free environment. Accordingly, the institute installed ramp in their premises. Now, when they inspected for the current academic year 2019-20, the Inspection Committee insisted upon lift also. The Institute informed the committee that they have placed order for lift with Johnson and company and there is some delay in installing the same. Without taking into consideration about their attempt to install lift, the impugned order was passed.

4. Further, the learned counsel for the petitioner would submit that the lift has been installed in their premises now and the Government has also issued the safety certificate on 10.06.2019. Therefore the first respondent's impugned order of placing the institute under "No Admission Category" has to be set aside.

5. The learned counsel appearing for the AICTE would submit that though the petitioner institute was instructed to install ramp and lift, on the previous inspection, they found

that the petitioner institute has installed only ramp. So when the committee inspected the institute for granting approval for the year 2019-20, found that the petitioner institute has not installed the lift. Therefore, the impugned order was passed on 25.03.2019. The last date fixed by the Supreme Court for grant of approval expired on 30.04.2019. If the petitioner institute had installed the lift within the specified dated i.e. 30.04.2019, AICTE may re-consider its order dated 23.04.2019.

6. Recording the same, the writ petition disposed of on the following terms:-

The petitioner institute shall make request with inspection fees, on or before 08.07.2019. On such request, the Inspection team of AICTE shall visit the petitioner's institute within 7 days from the receipt of the request. If the Inspection team is satisfied that the lift was installed before 30.04.2019 and functioning, appropriate orders may be passed regarding approval to the petitioner's institute for the academic year 2019-20.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

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To

1.The Member Secretary, सतयमेव जयते
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi-110070.

2.The Regional Officer,
AICTE-Southern Regional Office,
Shastri Bhavan, No.26, Haddows Road,
Chennai-600 006.

3.The Registrar,
The Pondicherry University,
Puducherry-605 001.

4.The Convenor,
Centralised Admission Committee (CENTAC),
Government of Puducherry,
CENTACoffice, PEC Campus, Pillachavady,
Puducherry-605 014.

+1cc to Mr.S.S.Pajani Radja, Advocate SR.No.54742

+1cc to Mr.Muthumani Doraisami, Advocate SR.No.55128

+1cc to Mr.B.Rabu Manohar Advocate SR.No.54814

+1cc to Mr.P.Vijendran, Advocate, SR.No.40551
(dated: 12/07/2019)

W.P.No.18032 of 2019
and W.M.P.Nos.17429,
17432 & 17433 of 2019

PP (CO)
GMY (03/07/2019)



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