

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Fifteenth day of July Two Thousand Nineteen

PRESENT

THE HON`BLE DR JUSTICE VINEET KOTHARI

AND

THE HON`BLE MR JUSTICE C.V.KARTHIKEYAN

WA NO.2219 OF 2019

M/S.SHREE VENKATASHWARA EDUCATIONAL, [APPELLANT]
& CHARITABLE TRUST,
REP.BY ITS CHAIRMAN,
P.VENKATACHALAM, ADMINISTERING SHREE VENKATESHWARA
HI-TECH ENGINEERING COLLEGE,
SRO KALAIVANI NAGAR, OTHAKUTHIRAI,
K.METTUPALAYAM POST,
GOBICHETTIPALAYAM-638 455
ERODE DISTRICT.

Vs

1 THE REGISTRAR [RESPONDENTS]
ANNA UNIVERSITY,
SARDAR PATEL ROAD, CHENNAI-25

2 THE DIRECTOR
CENTRE FOR AFFILIATION OF INSTITUTIONS
ANNA UNIVERSITY,
SARDAR PATEL ROAD, CHENNAI-25

3 THE MEMBER SECRETARY
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION (AICTE)
NELSON MANDELA MARG,
VASANTH KUNJ, NEW DELI-110 067

4 THE DIRECTOR,
DIRECTORATE OF TECHNICAL EDUCATION GUINDY,
CHENNAI-600 025

Appeal under Clause 15 of the letters patent against the order passed by the THE HON`BLE DR JUSTICE G.JAYACHANDRAN dated 27.06.2019 and made in the exercise of the Special Original Jurisdiction of the High Court in the Writ Petition No.15102/19 (in WA.NO.2219/19)

Order : This Appeal and petition coming on for orders on this day upon perusing the Grounds of appeal, the order of THE HON'BLE DR JUSTICE G.JAYACHANDRAN dated 27.06.2019 and made in the exercise of the Special Original Jurisdiction of the High Court in the Writ Petition No.15102/19 and all other papers material to this case and upon hearing the arguments of M/S.D.PARBHU MUKUNTH ARUNKUMAR, Advocate for the appellant and of M/S.L.P.SHANMUGASUNDARAM Special Government Pleader (Anna University) for the 1 & 2 respondents and M/S.V.KADHIRVELU Special Government Pleader for 4th respondent the court made the following order:-

Learned counsel appearing for the Appellant, Mr.D.Prabhu Mukunth Arunkumar relied upon two decisions of the Hon'ble Supreme Court in the case of Parshvanath Charitable Trust v. All India Council for Technical Education ((2013 SCC 385) and also in the case of Rungta Engineering College v. Chhatisgarh Swami Vivekanand Technical University ((2015) 11 SCC 291), (relevant para is 32) and submitted that the Respondent, Anna University, without giving any definite inspection report of the deficiencies in the Faculty strength of the Appellant-Engineering College, reduced, arbitrarily, the intake of students by half for the three courses in question and only before the learned Single Judge they produced the record, without a copy to the Appellant/Petitioner College, on the basis of which, it was pointed out that 3 Teachers were not physically found on inspection.

2. Neither the date of inspection nor the reasons of absence of those Faculties, whether permanent or temporary was answered and placed on record. The learned counsel for the Appellant also submitted that the counseling for the said courses is under progress and it is to be concluded by the end of July 2019. Therefore, the Appellant/Petitioner will be left without the full capacity of intake of students as approved by AICTE vide its communication dated 10th April 2019.

3. The learned counsel for the Respondent-Anna University, Mr.L.P.Shanmugasundaram, does not have any record with him to satisfy the court about the genuineness and correctness of the inspection on the basis of which they reduced the capacity of the students intake for the said course for Academic Year 2019-2020 when the same was approved by AICTE.

4. The learned counsel for the Appellant would submit that the Hon'ble Supreme Court in the case of Rungta Engineering College (supra) has clearly held that in such cases, the University concerned who is supposed to grant affiliation and bound by the same Regulation of AICTE has to report the matter back to AICTE.

5. Therefore, prima facie, the reduction of intake of students does not seem to be justified in the present case. The learned counsel for the Anna University prays for a short accommodation to

produce the relevant materials alongwith an Affidavit filed by a responsible Officer of Anna University to throw light on the said aspect of the matter.

List on 17.7.2019 as top of the list.

-sd/-
15/07/2019
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE REGISTRAR,
ANNA UNIVERSITY, SARDAR PATEL ROAD,
CHENNAI-25

2 THE DIRECTOR,
CENTRE FOR AFFILIATION OF INSTITUTIONS ANNA
UNIVERSITY SARDAR PATEL ROAD, CH-25.

3 THE MEMBER SECRETARY,
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
AICTE, NELSON MANDELA MARG,
VASANTH KUNJ NEW DELI-67

4 THE DIRECTOR,
DIRECTORATE OF TECHNICAL EDUCATION GUINDY,
CHENNAI -25.

C.C. to M/S.D.PARBHU MUKUNTH ARUNKUMAR Advocate on payment of
necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in

WA.2219/2019

Date :15/07/2019

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SDR 15.07.2019