



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2019

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P. (MD) No.12580 of 2019

and

W.M.P. (MD) No.9355 of 2019

M/s.Karaikudi Institute of Technology &
Karaikudi Institute of Management,
Keeranipatti, Managiri Post,
Karaikudi, Sivagangai District - 630 307,
represented by its Principal,
Dr.P.Marimuthu

... Petitioner

Vs.

1.The Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai - 600 025.

2.Anna University,
represented by its Registrar,
Chennai - 600 025.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in impugned proceedings Lr.No.282/CAI/AU/CRF/2019, dated 11.05.2019 and quash the proceedings insofar as No.(i) reduction of intake seats to 30 from 60 in respect of undergraduate Engineering courses for the academic year 2019-20 and reduction of intake seats to Zero from 24 for P.G. Courses and consequently, to direct the second respondent to acknowledge the grant of 60 intake seats affiliation to the petitioner institution for undergraduate courses and grant of 24 intake seats for M.E. and 60 intake seats for MBA programme Affiliation to the petitioner institution for UG and P.G. Courses for the Academic year 2019-20, within a limited time fixed by this Court, at any rate prior to the last date for admission to the said courses



For Petitioner

:Mr.R.Shriram

For Respondents

:Mr.M.Rajarajan
Standing Counsel

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ORDER

The prayer sought for in this writ petition is for issuing a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in impugned proceedings in Lr.No.282/CAI/AU/CRF/2019, dated 11.05.2019 and quash the proceedings insofar as No.(i) reduction of intake seats to 30 from 60 in respect of undergraduate Engineering courses for the academic year 2019-20 and reduction of intake seats to Zero from 24 for P.G. Courses and consequently, to direct the second respondent to acknowledge the grant of 60 intake seats affiliation to the petitioner institution for undergraduate courses and grant of 24 intake seats for M.E. and 60 intake seats for MBA programme affiliation to the petitioner institution for UG and P.G. Courses for the Academic year 2019-20, within a limited time fixed by this Court, at any rate prior to the last date for admission to the said courses.

2.The petitioner is an Educational Institution, approved by AICTE and affiliated to the respondent University and has been functioning for the last 10 years. It is imparting education in Undergraduate and Post-Graduate programme in Engineering Degree apart from Post Graduate programme in Management (MBA).

3.In respect of extension of affiliation for the courses for the academic year 2019-20, as per the procedure, inspection has been conducted at the petitioner institution, pursuant to which, deficiency report was filed by the Inspection Committee. Based on the Inspection report, on 29.03.2019, a show cause notice was issued by the respondent University.

4.Pursuant to the said show cause notice, a compliance report has been submitted on 09.04.2019 by the petitioner Institution. Thereafter, the Scrutiny Committee has gone into the said compliance report and the deficiencies pointed by the Inspection Team. According to the Scrutiny Committee, it was found that, depending upon the percentage of deficiencies in respect of areas of Library, Laboratory and faculty strength, the respondent University can reduce intake capacity to 50% in respect of UG courses and put under no admission category for M.E. and MBA courses. Accordingly, vide impugned order, dated 11.05.2019, University passed such order. Challenging the said order of reduction in capacity by the respondent University, dated 11.05.2019, this writ petition has been filed.



5. Heard Mr.R.Shriram, learned Counsel for the petitioner and Mr.M.Rajarajan, learned Standing Counsel appearing for the respondents.

6. The learned Counsel for the petitioner submitted that, though complied with the deficiencies pointed out by the University through its inspection report, the same has not been considered in proper perspective and still they restrict the intake capacity and the stand taken by the University that, the Institution can be put under No admission category in respect of P.G. Courses and reduction of intake capacity to 50% in respect of U.G. courses is unjustifiable. In support of his submission, the learned Counsel for the petitioner also relied upon the compliance report and various documents to the effect of fulfilment of deficiencies in the area of Laboratory, Library and Faculty strength.

7. Per contra, the learned Standing Counsel appearing for the respondents relied upon the report submitted by the third respondent who noted down the percentage of deficiencies under various heads as reduction of standard, while making the inspection. Also before the cut-off date for the academic year 2019-20, the compliance has not been made by the petitioner. He further submitted that, only subsequent to the cut-off date, i.e., in the month of May and June-2019, to the considerable extent, the deficiencies have been rectified and based on such rectification, now the petitioner seeks to review the said order passed by the University, dated 11.05.2019 and permit the petitioner to go with full intake capacity for the academic year 2019-20.

8. I have gone through the materials filed in support of the contentions on both sides.

9. Most of the deficiencies pointed out by the University, since has been rectified, because of the cut-off date, the University is not in a position to consider the same for the current academic year. Moreover, in most of the courses, i.e., Undergraduate in Engineering and Post Graduate in Management, intake alone has been reduced to the extent of 50%. In this context, it is pertinent to note that, during the last academic year, the petitioner institution was able to admit very few students, and they were not able to admit students even to the extent of 50% intake and same situation is prevailing throughout the State in all Engineering institutions. Therefore, according to the learned Counsel for the respondent University, if at all any subsequent compliance is made, i.e., after cut-off date, that would be considered for the next academic year and insofar as the academic year 2020-21 is concerned, if at all the petitioner still wants to restore the original intake capacity, the same will be considered based on the available infrastructure at that time and in this regard, the subsequent compliance, now has been pointed by the petitioner side, can also be taken into account and accordingly orders would be passed for the next academic year.



10. The submission of the learned Standing Counsel appearing for the respondents appears to have been appealing to this Court, because, periodically, there has been some deficiencies at the time of inspection and even subsequently, though most of such deficiencies claimed to have been rectified by the petitioner to the considerable extent, the same has been done only after the cut-off date. The decision with regard to the petitioner Institution for extension of affiliation for the next academic year (2019-20) has been taken, and the impugned order, dated 11.01.2019, has already been passed. Moreover, in most of the courses, only the intake has been reduced and merely because of the reduction of intake in Undergraduate, the petitioner Institution is not going to be affected, as the past record of the petitioner Institution showing that, in recent years, it has not reached even the 50% intake in admission in various courses.

11. Taking all these factual matrix and also by taking into account the specific stand taken by the respondent University that, they will consider the subsequent compliance for the academic year 2020-21 before cut-off date, this Court is of the view that, the said stand taken by the University cannot be found fault with.

12. For all these reasons above discussed, this Court is not inclined to interfere with the impugned order. However, the respondent University's stand that, subsequent compliance claimed to have made by the petitioner Institution in respect of Laboratory, Library and Faculty strength would be considered by the respondent University for the academic year 2020-21 and for the said year, the petitioner's entitlement to have full intake or original intake can also be considered is recorded and the same shall be considered and necessary order to that effect be passed by the respondent University for the academic year 2020-21. Insofar as, the academic year 2019-20 is concerned, this Court finds no infirmity or unsustainability in the order impugned.

13. With the above observations, this writ petition is deserved to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar (CS)



To

1.The Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai - 600 025.

2.The Registrar,
Anna University,
Chennai - 600 025.

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

+1 CC to M/s.AL.KANNAN, Advocate (SR-69480[F] dated 18/06/2019)

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-69662[F] dated 19/06/2019)

W.P. (MD) No.12580 of 2019
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