



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3701 of 2019

Scott Christian College,
Rep. by its Correspondent,
Mr.Byju Nizeth Paaul

... Petitioner

Vs

1.The Member Secretary,
All India Council for Technical Education,
No.1, Nelson Mandela Marg,
Pocket 10, Sector B,
Vasant Kunj,
New Delhi - 110 070.

2.The Regional Officer,
All India Council for Technical Education,
Shastri Chavan,
26, Haddows Road,
Chennai - 600 006.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to accept the uploaded application for grant of affiliation for running the MBA and MCA programmes in the college for the academic year 2019-2020 submitted in the website portal under application SR.No.1-4414162201 and consequently direct the respondents to grant affiliation for the respective post graduate MBA and MCA programmes in the college for the academic year 2019-2010.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.N.Dilip Kumar

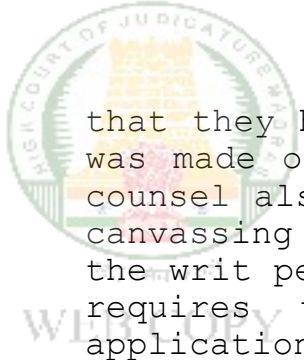
ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel for the respondents.

2.The writ petitioner is an Arts and Science College. They wanted to start MBA and MCA courses. To do so they must get approval from the respondents. The petitioner submitted an application on 19.01.2019 and paid the necessary fees to generate user ID and password. The last date for submitting online application was 08.02.2019. The petitioner's grievance is that on the said date inspite of their best efforts, they could not succeed in making the online application when they endeavoured to do so later, the portal was not opening. Hence, they have filed this writ petition for directing the respondents to accept their application for grant of affiliation for starting MBA and MCA courses in their college from the academic year 2019-2020.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioner submitted



that they have convincing materials to show that an earnest attempt was made on 08.02.2019 for uploading the application. The learned counsel also drew the attention of this Court to some decisions for canvassing the proposition that the error even if attributable to the writ petitioner is only curable and that interest of the justice requires that the respondents are mandated to accept their application. His main contention is that the last date for scrutiny of the application is only 10.04.2019 and that therefore the respondents would not suffer any prejudice by accepting their application. He also pointed out that the case cannot be compared to medical courses where the time schedule is unalterable.

4.I am unable to agree with the aforesaid submission of the learned counsel appearing for the writ petitioner. As rightly contended by the learned standing counsel appearing for the respondents the entire process has now been made online. The last date for submitting application for new institution was 08.02.2019. The petitioner was rightly categorized only as a new institution and the portal would automatically get closed. The portal would not open if an application is now uploaded.

5.In the counter affidavit filed by the respondents, it has been categorically stated that no e-mail was received from the writ petitioner as claimed by them in the affidavit filed in respect of the writ petition. It has been further stated in the counter affidavit that on 08.02.2019, All India Council for Technical Education received as many 469 applications from new institutions. Therefore, it is very much clear that the web portal was live and active. This Court has to necessarily come to the conclusion that only due to some human error on the side of the writ petitioner, they were not able to upload the application on 08.02.2019. For this, the petitioner has to blame themselves. The web portal was opened on 14.01.2019 itself. Even according to the writ petitioner, they had obtained user ID and password on 19.01.2019 itself. There is no earthly reason for them to have waited till the last date. When a specific date has been given as the last date, same sanctity should be attached to it. This court would not be justified in directing the respondents to accept an application that is belatedly filed.

6.I find no ground to grant the relief sought for in this writ petition and the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



TO:

1.The Member Secretary,
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2.The Regional Officer,
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+1cc to M/S.F.Deepak, Advocate, SR.No.57259

+1cc to M/S.N.N.Dilip Kumar, Advocate, SR.No.57543

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SP/02.04.2019/ 3P/5C