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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Third day of March Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE N. ANAND VENKATESH

WMP Nos.6517 and 6518 of 2020

IN WP.No.5561/2020

1 FREEDOM FIGHTER N.KANDASAMY [PETITIONER]
EDUCATIONAL TRUST,, REP. BY ITS PRESIDENT
AND MANAGING TRUSTEE, K.CHIDAMBARAM, 4/67-A,
ATTAYAMPATTY PIRIVU ROAD, ATHANOR (PO),
RASIPURAM (TK), NAMAKKAL DISTRICT 636 301.

Vs

1 THE DIRECTOR (APPROVAL BUREAU), [RESPONDENT]
ALL INDIA COUNCIL FOR TECHNICAL
EDUCATION, NELSON MANDELA MARG, VASANT KUNJ,
NEW DELHI - 110 070

2 THE CHAIRMAN,
STANDING APPEAL COMMITTEE, ALL INDIA COUNCIL
FOR TECHNICAL EDUCATION, NELSON MANDELA MARG,
VASANT KUNJ, NEW DELHI - 110 070

3 THE REGIONAL OFFICER,
SOUTHERN REGIONAL OFFICE, AICTE,
SHASTRI BHAVAN, 1ST FLOOR,
NUNGAMBAKKAM, CHENNAI 600 006

4 THE PRINCIPAL SECRETARY,
HOUSING AND URBAN DEVELOPMENT (UDA (3))
DEPARTMENT, FORT ST. GEORGE,
CHENNAI - 600 009

5 THE DIRECTOR OF TOWN AND COUNTRY
PLANNING, 807, ANNA SALAI, CHENNAI - 600 002

6 THE DEPUTY DIRECTOR OF TOWN
AND, COUNTRY PLANNING (INCHARGE) SALEM
DIVISION, NO.6, SANATHI STREET, SUBRAMANIA
NAGAR, SURAMANGALAM, SALEM - 636 0065

7 MOOLAKADU VILLAGE PANCHAYAT
REPRESENTED BY ITS SPECIAL OFFICER,
MOOLAKADU, MASAKALIPATTY POST, RASIPURAM
TALUK, NAMAKKAL DISTRICT.



8 THE REGISTRAR,
THE TAMIL NADU DR.M.G.R. MEDICAL UNIVERSITY,
69, ANNA SALAI ROAD, LITTLE MOUNT, GUINDY,
CHENNAI - 600 032

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9 THE DIRECTOR OF TECHNICAL
EDUCATION,, 53, SARDAR PATEL ROAD,
GUINDY, CHENNAI - 600 025

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(1) to stay the impugned order in F.No. AICTE/ AB/ SR/ 1-4949200541 dated 17.02.2020 passed by the 1st Respondent and all consequential action based on the same in WMP.6517/2020) and;

(2) to pass an Interim Direction directing the 1st Respondent to open the portal for the petitioner college to apply online for extension of approval for the academic year 2020-2021 for B.Pharm Degree Course (in WMP.6518/2020) pending disposal of the above WP.5561/2020

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.D.PRABHU MUKUNTH ARUN KUMAR, Advocate for the petitioner in both the petitions and of MR.B.RABU MANOHAR, SCGC on behalf of the 1 to 3 Respondents and of MR.P.SETHILVEL, Additional Government Pleader, for the 4 to 7 Respondents and of MR.S.KARTHIKAI BALAN, GOVERNMENT ADVOCATE for the the 8th Respondent in both the petitions the court made the following order:-

Mr.B.Rahu Manohar, learned Standing Central Government counsel takes notice on behalf of the respondents 1 to 3; Mr.P.Senthilvel, learned Additional Government Pleader takes notice on behalf of the respondents 4 to 7 and Mr.S.Karthikeibalan, learned Government Advocate takes notice on behalf of the 8th respondent.

2. The above Writ Petition has been filed against the proceedings of the first respondent dated 17.02.2020 wherein the recommendation has been made for withdrawal of the L.O.A and for transferring the students to some other institution.

3. The learned counsel for the petitioner submitted that the petitioner had earlier approached this Court by filing W.P.No.12492 of 2019 and this Court had directed the AICTE to grant approval to the petitioner's institution without reference to the DTCP approval.



4. The learned counsel placed reliance upon Paragraph No.15 of the earlier order passed by this Court and the same is extracted hereunder.

"15. In the meanwhile, the respondents 1 to 3/AICTE are directed to give approval to the petitioner institution as sought in their application for offering B.Pharm and M.Pharm. Degree course on or before 30.04.2019, without reference to DTCP approval, if otherwise all the other norms and conditions are complied with, which will be subject to the concurrence/affiliation to be obtained from the Pharmacy Council of India and Dr.M.G.R.Medical University. The first respondent/AICTE shall indicate in the approval that the same would be subject to the production of the approval of the DTCP, immediately upon receipt of the same from the DTCP authorities, as directed above and other affiliations."

5. The learned counsel appearing for the petitioner brought to the notice of this Court, the order passed by the first respondent and submitted that the major deficiency that was found by the AICTE pertained to the building, which is now under consideration by the DTCP.

6. The learned counsel submitted that even before the DTCP has decided on the approval, the AICTE has decided to withdraw the L.O.A. The learned counsel submitted that the other deficiencies that have been pointed out in the impugned order will be satisfied and the petitioner must be permitted to make an application for extension of the approval. For this purpose, the learned counsel sought for a direction to the respondents to open the portal of the AICTE to accept the application submitted by the petitioner's institution.

7. Mr.Rahu Manohar, learned Standing Central Government counsel appearing on behalf of the respondents 1 to 3 submitted that apart from the deficiencies that were found in the site plan, building plan, elevations etc., the Inspection Committee also found deficiencies in the number of teaching faculties that is available in the petitioner's institution and also the other instruments and equipments that are expected to be maintained in the college. According to the learned counsel, this is also a major deficiency. The learned counsel therefore submitted that the petitioner institution can be directed to set right these deficiencies and submit an application. The learned counsel further requested this Court to issue directions to the Authority to finalize the DTCP approval which is now pending for a long time.

8. The learned Additional Government Pleader appearing on behalf of the respondents 4 to 7 submitted that the DTCP approval is now under process and there are certain taxes which are yet to be paid by the petitioner institution and necessary notice will be issued to the petitioner institution and a final decision will be taken within a reasonable time fixed by this Court.



9. Taking into consideration the submissions made on either side and also the facts and circumstances, there shall be a direction to the petitioner institution to comply with the other deficiencies that have been pointed out by the AICTE apart from the deficiencies with regard to the building/structure. On rectifying this deficiency, the petitioner institution can submit an application seeking for the extension of approval. The AICTE on being satisfied with the compliance to other deficiencies, can proceed to consider the extension of approval, subject to the production of the approval of DTCP. For this purpose, there shall be a direction to the second respondent to activate the web portal of AICTE immediately till 10.03.2020. In the meantime, the petitioner institution is directed to submit their application online through the portal. There shall be a further direction to the fifth respondent to immediately pass final orders within a period of six weeks from the date of receipt of copy of this order on the DTCP approval. If the petitioner institution has to comply with any other condition or pay any taxes, the same shall be intimated by the 5th respondent to the petitioner institution immediately.

10. In view of the above order, the impugned order passed by the first respondent is kept in abeyance.

11. Accordingly, both the W.M.Ps are disposed of.

-sd/-

03/03/2020

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

TO

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C.C. to MR.D.PRABHU MUKUNTH ARUN KUMAR Advocate SR.NO.2926
C.C. to MR.B.RABU MANOHAR, SENIOR STANDING COUNSEL SR.NO.2884
Order

in
WMP.NOs.6517 & 6518/2020

in
WP.NO.5561/2020

Date :03/03/2020

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