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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.NO.7969 OF 2021

Consortium of Self-Financing Professional
Arts and Science Colleges in Tamil Nadu,
rep. by its Secretary P.Selvaraaaj,
AF 57, 11th Main Road,
Anna Nagar West,
Chennai - 600 040.

... Petitioner

.Vs.

1. Union of India,
Rep. By its Secretary,
Department of Higher Education,
Ministry of Education,
122-C, Shastri Bhawan,
New Delhi - 110 001.
2. All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj,
New Delhi - 110 070.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India for issuance of a writ of declaration, declaring that the Approval Process Handbook for 2021-22 issued by the second respondent, insofar as the "NOTE" to Paragraph 2.14.4 (b) of the Approval Process Handbook for 2021-22 is concerned, is arbitrary, irrational, unreasonable and illegal.

For Petitioner : Mr.Sathish Parasaran
Senior Advocate
For M/s.R.Parthasarathy

For Respondents : Mr.B.Rabu Manohar
SCGC



(Order of the Court was made by The Hon'ble Chief Justice)



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7. It appears that pursuant to interim orders issued earlier, several institutions affiliated to the petitioner body have already applied for new courses and such applications are pending with the AICTE. It is possible that not all such applications comply with the requirements of the relevant note. It is in such circumstances that this court was minded to inquire of learned counsel appearing for the second respondent as to whether, notwithstanding the impugned note in the Handbook, individual applications can be taken up on case to case basis.

8. It is submitted on behalf of the AICTE that the Council is ready to take up individual applications to ascertain whether the applicability of the note in every case may be relevant or justified or otherwise.

9. In view of such fair stand taken by the second respondent, the matter need not be permitted to linger any further since the decision-making has to be that of the AICTE and such statutory body is allowed to decide on applications on a case to case basis irrespective of whether the applicant college complies with the condition indicated in the impugned note.

10. It is recorded that applications for the year have already been received by June 30, 2021 and further applications cannot be received for the next academic session. The future applications that may be filed for new courses may only pertain to the next following academic session, subject to such application being filed within any cut-off date that may be indicated by the second respondent.

11. W.P.No.7969 of 2021 is disposed of. W.M.P.Nos.9962, 8522, 8523 and 8527 of 2021 are closed.

There will be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Union of India,
Department of Higher Education,
Ministry of Education,
122-C, Shastri Bhawan,
New Delhi - 110 001.

2. All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj,
New Delhi - 110 070.

+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.39960

W.P.NO.7969 OF 2021

SVI (CO)
PBS/18/08/2021