

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 8.7.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14119 of 2021
and W.M.P.No.14997 of 2021

1 M/s.Sri Devi Karumariamman Educationl Trust
Represented by its Trustee Mr. J.Kumaran,
No. 5 Chellammal Complex, Arcot Road,
Janaki Nagar, Valasaravakkam,
Chennai 87. Petitioner

Vs.

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

2 The Commissioner,
Directorate of Technical Education,
53 Sardar Patel road,
Anna University, Guindy, Chennai 25

3 Registrar
Anna University,
Sardar patel Road, Chennai 25. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for all the records of F. No. AICTE/AB/SR/PID 1-4193903 / 2021 -22 dated 11.06.2021 and consequential order vide File No. AICTE/AB/SR/PID1-4193903 dated 11.06.2021 passed by the 1st Respondent and to quash the same as ultra vires and consequently direct the 1st Respondent to implement the F. No. AICTE / AB / SR / PID 1-4193903 / 2021 -22 order passed on 31.03.2021 by the 1st respondent.

For Petitioner	:	Mr.M.Velmurugan
For Respondent No.1	:	Mr.Rabu Manohar
For Respondent No.2	:	Mr.A.Selvendran, G.A.
For Respondent No.3	:	Mr.L.P.Shanmugasundaram

O R D E R

According to the petitioner, the petitioner Trust established Arignar Anna Institute of Science and Technology and the petitioner's College is functioning with due approval from AICTE and Anna University by obtaining extension of approval for the subsequent years.

2. The grievance of the petitioner is that the petitioner College made an application for extension of approval for the academic year 2020-2021 through the online portal to the first respondent. The said application was considered by the Standing Committee of the first respondent and pointed out five deficiencies as against the petitioner's College on 2.2.2021. As against the said decision of the Standing Hearing Committee, the petitioner preferred an appeal on 5.3.2021 with all its extensions and relevant materials to satisfy that the petitioner College complied with the deficiencies pointed out by the Committee. The Standing Appellate Committee considered the petitioner's appeal and passed final order. The relevant portion of the order is extracted below:

"Whereas the above recommendations were informed to the Institute vide letter, dated 25.2.2021. The Institute submitted an appeal for consideration before the SAC. Accordingly, the matter was placed before the Standing Appellate Committee (SAC) on 6.3.2021. The Institutes's representative was appeared before the Committee which recommended as under:

"In light of remaining deficiencies SHC recommends 50% reduction in sanctioned intake for AY 2021-22."

3. Subsequently, based on the complaint made by Maximus ARC Ltd., earlier order passed by the first respondent was reviewed by the 5th respondent. In the aforesaid review, the petitioner's representative also present. On perusal of the review, based on the complaint made by Hari Krishna, Asst. Vice President, Maximus ARC Ltd., Vijayavada, a detailed impugned order has been passed by the first respondent. The relevant portion of the order is extracted below:

"The Institute has not presented relevant documents for the compliance deficiency. Hence, the Committee recommends the Institute under the category 'No Admission' for the A/Y 2021-22.

Now, therefore, after examining the entire matter with facts and circumstances

mentioned herein above in terms of the provision of the Approval Process Hand Book A.Y. 2021-22 and also the terms and conditions mentioned in the Letter of Approval Council, it has been decided to place Arignar Anna Institute of Science and Technology (PID 1-4193903) under 'No Admission' category for A/Y 2021-22.'

4. The petitioner has challenged the impugned order on the following grounds:

1. The impugned order passed by the first respondent violates the principle of natural justice.
2. The petitioner was not provided sufficient opportunities to place materials as against the deficiencies pointed out in the said order and also to make an objection to the complaint made by Maximus ARC Ltd.

The petitioner also raised other grounds in the writ petition. The petitioner has not impleaded Maximus ARC Ltd., Vijayavada, who is complainant before the first respondent as party in the writ petition to put forth their contention. However, Mr.Nithaesh Nataraj, counsel has entered appearance and put forth his submission in the writ petition.

5. After hearing all the parties concerned, this Court has directed the Standing counsel appearing for the first respondent to get instructions in view of the submission made by the counsel for the petitioner that no material was served to the petitioner before passing review order. The said fact has not been disputed by the Standing Counsel appearing for the first respondent. But the Standing counsel appearing for the first respondent enlightened this Court by stating that the representative of the petitioner appeared on the date of hearing, admittedly, there is no show cause notice along with materials issued to the writ petitioner to review the earlier order, dated 31.3.2021 and after discussion with the first respondent department by the Standing counsel, they are not disputed the said fact. Therefore, without giving notice as well as materials to the petitioner, they proceeded with the hearing and passed final orders.

6. This Court is of the view that without giving sufficient opportunities to the petitioner College to put forth their contention, the impugned order has been passed. Therefore, this Court has no hesitation to set aside the order passed by the first respondent and the parties concerned are also agreed to grant opportunity of hearing to the petitioner as well as complainant. Hence, the impugned order is liable to be quashed.

7. Therefore, this Court is inclined to pass the following orders:

(i) The impugned order passed by the respondent, dated 11.6.2021 is quashed.

(ii) The first respondent is directed to serve notice to the petitioner by furnishing all the deficiencies pointed out by the first respondent as well as complaint received as against the petitioner within one from the date of receipt of copy of the order. On receipt of such notice, the petitioner shall submit its explanation or objection to the first respondent within one week thereafter. On receipt of explanation or objection, the first respondent shall take final decision after giving opportunities to the petitioner and also to the interested parties and pass appropriate orders on its own merit as expeditiously as possible, preferably within a period of two weeks thereafter.

(iii) The petitioner shall not admit students for the academic year 2021-2022 till final decision taken by the first respondent.

8. The writ petition is allowed on the above terms. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS -III)

//True Copy//

Sub Assistant Registrar

Vaan

To

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

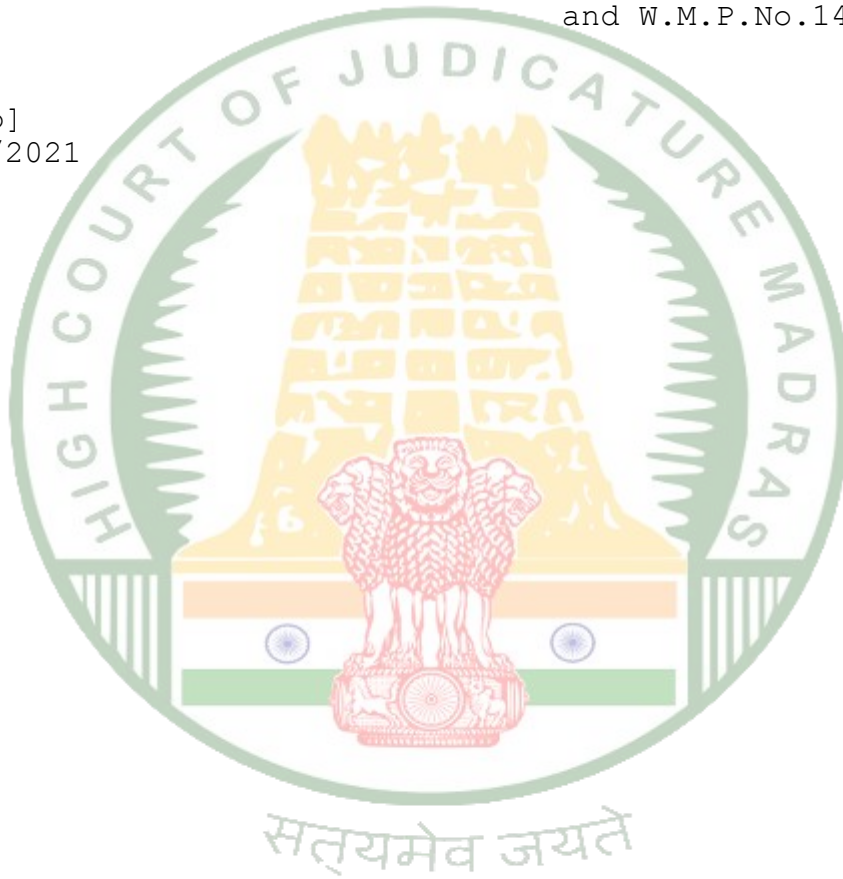
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Sardar patel Road,
Chennai 25.

+1cc to Mr.M.Velmurugan, Advocate Sr.31948
+1cc to Mr.B.Rabu Manohar, Advocate Sr.32108

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