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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 09.08.2021
Pronouncing orders on : 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.14136 & 16306 of 2021
and W.M.P.Nos.15104, 17269, 17271 & 17272 of 2021

W.P.No.14136 of 2021

Sri Shakthi Institute of Engineering and Technology
represented by its Principal
Sri Shakthi Nagar,
L & T Bye Pass,
Coimbatore - 641062.

...Petitioner

vs.

1. Anna University
represented by its Registrar,
Chennai - 600 025.
2. The Director,
Centre for Affiliation of Institutions,
Anna University,
Chennai - 600 025.
3. The Director,
Centre for Academic Courses,
Anna University,
Chennai - 600 025.
4. All India Council for Technical Education,
represented by its Chairman,
Nelson Mandela Marg,
Vasant Kunj,
New Delhi - 110 070.
5. The Regional Officer,
Southern Regional Office,
All India Council for Technical Education,
Haddows Road,
Chennai - 600 006.

Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondents relating to the e-mail communication of the 2nd respondent dated 22.06.2021 and quash the same and directing the respondents to issue NOC to the petitioner herein to start new course viz., B.E. Computer Science and Engineering - Cyber Security) with intake of 60 from the academic year 2021-2020 to enable the AICTE to grant approval for the same.

For Petitioner : Mr.Kandhan Duraisami

For Respondents : Mr.M.Vijayakumar
Standing Counsel for R1 to R3

Mr.B.Rabu Manohar
for R4 & R5

W.P.No.16306 of 2021

UIT Educational Trust
represented by its Managing Trustee
S.Shanmugam
Established and Administering
Uniter Institute of Technology
G.Goundampalayam, Periyanaickenpalayam
Coimbatore - 641 020.

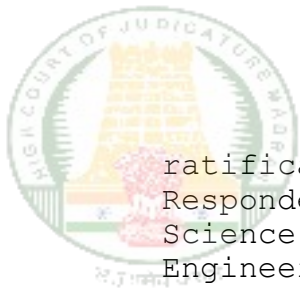
...Petitioner

vs.

1. The Registrar,
Anna University,
Sardar Patel Road,
Chennai - 600 025.
2. The Director,
Centre for Affiliation of Institutions,
Anna University,
Sardar Patel Road, Chennai - 600 025.
3. The Director,
Centre for Academic Courses,
Anna University,
Chennai - 600 025.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents to affiliate the petitioner College with respect to new course B.E. computer Science and Engineering (Cyber Security) course from the academic year 2021-2022 after



ratification and approval by the academic Council of the 1st Respondent University the Syllabus followed for B.E. Computer Science and Engineering (Cyber Security) course in autonomous Engineering Colleges affiliated to the 1st Respondent University.

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For Petitioner : Mr.D.Prabhu Mukunth Arunkumar

For Respondents : Mr.L.P.Shanmugasundaram
Standing Counsel

O R D E R

The issue involved in both the writ petitions are common and hence they are taken up together, heard and disposed of through this common order.

2.The grievance expressed by the petitioners is that due to the denial of affiliation by the Anna University, they are not able to start the new course viz., B.E. Computer Science and Engineering (Cyber Security) during this academic year 2021-2022.

3.The case of the petitioner in W.P.No.16306 of 2021 is that the AICTE through the Approval Process Hand Book 2020-21 had encouraged the Engineering Colleges to start courses on the emerging areas and accordingly the petitioner College applied for the approval and the approval was granted for starting three new courses for the academic year 2020-21 through order dated 27.07.2020. The three new courses are B.E. Robotics and Automation, B.Tech. Artificial Intelligence and Data Science and B.E. Computer Science and Engineering (Cyber Security). The petitioner thereafter sought for affiliation for these courses from the Anna University and the Anna University informed the petitioner that it is not possible to take an immediate decision for the academic year 2020-21. Thereafter, the petitioner once again applied for approval before the AICTE for B.E. Agricultural Engineering and requested to close B.E. Computer Science and Engineering (Cyber Security). The AICTE did not grant approval. On the request made by the petitioner, the AICTE granted extension of approval for the courses for which approval was already granted in the academic year 2020-21. The petitioner once again made a representation to the Anna University and sought for affiliation and since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4.The case of the petitioner in W.P.No.14136 of 2021 is that the petitioner had applied to the AICTE for starting new courses for the academic year 2021-2022 including B.E. Computer



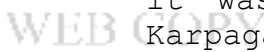
Science and Engineering (Cyber Security). The petitioner was directed to get a No Objection Certificate for starting the new course. However, the Anna University granted No Objection Certificate only for two courses and insofar as the B.E. Computer Science and Engineering (Cyber Security) is concerned, the University refused to grant No Objection Certificate. Challenging the same, the present writ petition has been filed before this Court.

5. Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the respondents.

6. The only issue that requires consideration in both the writ petitions is as to whether the Anna University should be issued a positive direction to grant affiliation/No objection certificate to the petitioners for conducting B.E. Computer Science and Engineering (Cyber Security) course from the academic year 2021-2022.

7. It is clear from the Approval Process Hand Book issued by AICTE for the academic year 2021-22 that the course B.E. Computer Science and Engineering (Cyber Security) has been approved and recognized by the AICTE. Therefore, insofar as the AICTE is concerned, they may not have any objections in granting approval to the petitioners to start this course. However, the problem is with regard to the stand taken by the Anna University that it will not grant any affiliation or No objection certificate to enable the petitioners to start the course. The stand taken by the Anna University is that the 26th Academic Council of Anna University discussed about the introduction of specialized programmes in the B.E. Course and one such specialization that was discussed was B.E. Computer Science and Engineering (Cyber Security). The Academic Council also took into consideration the AICTE Approval Process Hand Book 2020-21. During the discussions, a clarification was also sought from AICTE and based on the same, the Academic Council of Anna University decided not to offer B.E. Hons and B.E. minor degree programmes which needs 18-20 credits over and above the general credit requirement. The Academic Council found that the B.E. Computer Science and Engineering (Cyber Security) also is a specialization programme which needs 18-20 credits over and above the general credit requirement. Therefore, it was decided that the specialization programme including B.E. Computer Science and Engineering (Cyber Security) will not be permitted for the academic year 2021-2022 for both autonomous and non-autonomous colleges affiliated to Anna University.

8. One of the grounds, that was raised by the learned counsel for the petitioners is that such an affiliation was granted for one of the autonomous college in the year 2020-21. Therefore,



9. In reply to the said allegation made by the petitioners, it was submitted on behalf of the Anna University that one Karpagam College of Engineering, which is an autonomous College, was granted sanction to conduct this course for the academic year 2020-21. However, in view of the decision taken by the Academic Council, subsequently, it was decided that the approval for B.E. Computer Science and Engineering (Cyber Security) will not be granted for both autonomous and non-autonomous colleges affiliated to the University during the academic year 2021-2022. Therefore, it was submitted that there is no discrimination and it is purely based on a decision taken by the Academic Council during the year 2021-2022, wherein, none of the colleges were granted sanction to conduct the course.

11. The Academic Council of Anna University has taken into consideration various aspects and has decided that no affiliation or recognition will be granted for B.E. Computer Science and Engineering (Cyber Security). These are decisions taken by specialists and it is not possible for this Court to sit on judgement over those decisions. The Hon'ble Supreme Court has time and again held that this Court should exercise a lot of restraint while dealing with areas of specialization and Article 226 of Constitution of India should not be invoked as much as possible to over turn such decisions.

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



It is high time that the AICTE and the Anna University work in tandem and they don't take decisions contradicting each other. This is more so in areas involving specialization which requires to be introduced, to meet the emerging developments in science and technology. These are matters which can never be decided by a Court and it is for the authorities to take into consideration the interest of students and the institutions and take decisions with more clarity and certainty.

13. These writ petitions are disposed of accordingly. No Costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ssr

To

1. Anna University
represented by its Registrar,
Chennai - 600 025.
2. The Director,
Centre for Affiliation of Institutions,
Anna University,
Chennai - 600 025.
3. The Director,
Centre for Academic Courses,
Anna University,
Chennai - 600 025.

+1 cc to Mr.Muthumani Doraisami, Advocate SR.No.39315
+1 cc to Mr.M.Vijayakumar, Advocate SR.No.39531
+1 cc to Mr.B.Rabu Manohar, Advocate SR.No.39351

W.P.Nos.14136 & 16306 of 2021
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KV(CO)
CT(27/08/2021)