



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.09.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17936 of 2021

and

WMP No.19144 of 2021

Sri Rajiv Gandhi Polytechnic College,
Rep. By its Chairman Dr.Makkal G Rajan,
Erode - Chennimalai Main Road,
Myladi, Chennimalai,
Erode district - 638 112.

...Petitioner

Vs

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

2. The Southern Regional Officer,
The Southern Regional Office (SRO),
All India Council for Technicla Education,
Shastri Bhavan, 26, Haddows Road,
Nungambakkam, Chennai 600 006.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of directing the respondents to receive the processing fee along with penalty if any towards the petitioners application no.1-9317374528 for issuance of Extension of Approval (in shot EOA) for the academic year 2020 -2021 considering the fact the application is made in time before the cut of date within a time frame fixed by this Honouable Court.

For Petitioner : Mr.E.Vijay Anand

For Respondents : Mrs.A.L.Gandhimathi

O R D E R

This writ petition has been filed for the issuance of writ of Mandamus directing the respondents to receive the processing fees along with penalty and to process the application submitted by the petitioner for extension of approval for the academic year 2021-2022.



2. The case of the petitioner is that the college has been running the Polytechnic courses from the year 2008 onwards after getting the approval from AICTE. Insofar as the academic year 2021-2022 is concerned, the last date for submitting the application without penalty was fixed as 24.04.2021 and the last date to submit the application with penalty was fixed as 29.04.2021.

3. It is stated that the petitioner made the on-line application on 23.04.2021 and an application number was also generated. It is further stated that the petitioner thereafter was attempting to make the necessary payments and to submit the application and they were not able to properly access the portal. During this period, the last date for submission of the application with penalty expired on 29.04.2021.

4. The petitioner has stated that due to lock down, the college was not able to properly co-ordinate with the AICTE and in the meantime, the Chairman of the college also suffered a Covid attack and therefore, it took some time for the petitioner college to once again communicate with the AICTE. Accordingly, the petitioner sent communications through email requesting for collecting the process fees along with penalty and to grant the extension of approval. Since the same was not accepted by the respondents, the present petition has been filed before this Court seeking for appropriate directions.

5. The 2nd respondent has filed a counter affidavit and the relevant portions in the counter affidavit are extracted hereunder :-

4. I submit it was clearly informed to the petitioner on 24.04.2021 itself that application can be submitted now and payment can be made within two days without penalty. Thereafter, there is no proof of payment submitted by the petitioner till 29.04.2021, the last date for application. I submit only on 05.07.2021 an email received from the petitioner herein stating that they had submitted the application and sent the payment for extension of approval but till now the status shows payment pending and due to covid positive he is not able to touch with SRO and AICTE office and hence, requested for a chance to pay. For the said E-mail, immediately on the same



7. It is clear from the stand taken by the 2nd respondent that the last date for receiving the application with penalty is 29.04.2021 and the AICTE has been directed by the Hon'ble Supreme Court to grant extension of approval only up to 15.07.2021 and thereafter, even the AICTE is not authorised to extend the time to grant extension of approval. It is also seen from the Counter affidavit that there was absolutely no proof for the payment of the processing fees with or without penalty. Except for the email communication which had taken place during the month of July 2021, there is nothing to show that the payment was made by the petitioner college on time. This was also informed to the petitioner college in the communications made by AICTE through e-mail.

9. In view of the same, the relief sought for by the petitioner cannot be granted by this Court and it is left open to the petitioner to revive the extension of approval during the next academic year.



1.

- SR-II (CO)
K.RK. (05.10.2021)