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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HON'BLE MR.JUSTICE PARESH UPADHYAY
AND
THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.NO.2236 OF 2021

Imayam Trust,
Rep. by its Chairman,
P.Periannan,
Kannanur, Thuraiyur Taluk,
Trichy District,
Tiruchirappalli - 621 206.

...Appellant / Petitioner

Vs

- 1.All India Council for Technical Education,
Represented by its Member Secretary,
Nelson Mandela Marg,
Vasant Kunj,
New Delhi-110 070.
- 2.The Chairman,
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj,
New Delhi-110 070.
- 3.Southern Regional Officer,
All India Council for Technical Education,
Represented by the Southern Regional Officer,
Shastri Bhavan, 26, Haddows Road,
Nungambakkam, Chennai - 600 006.
- 4.Adviser-I (Approved Board),
All India Council for Technical Education,
Nelson Mandela Marg,
Vasanth Kunj, New Delhi-110 070. ...Respondents / Respondents
- 5.The Director,
Town and Country Planning,
2nd, 3rd and 4th Floor,
C & E Market Road, Koyambedu,
Chennai - 600 107.



6.D.Prabhu,
S/o.Dharmalingam,
Treasurer, Imayam Trust,
North Street, Kollapatti Village,
Thuraiyur Taluk,
Trichy District.

...Respondents

[R5 - Suo motu impleaded as party vide Court Order dated 17.09.2021 made in W.A.No.2236 of 2021 (PSNJ & KRJ)]

[R6 - impleaded as party vide Court Order dated 26.10.2021 made in C.M.P.No.1780 of 2021 in W.A.No.2236 of 2021 (PUJ & SSKJ)]

Appeal preferred under Clause 15 of Letters Patent against the order dated 18.08.2021 made in W.P.No.16347 of 2021.

Prayer in W.P.No.16347 of 2021 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, Directing the 1st, 2nd, 3rd and 4th Respondents to dispose of the appeal filed by the Petitioner on 17.07.2021 and 20.07.2021 and pass orders after affording an opportunity of personal hearing to the petitioner AMENDED AS To call for the records on the file of the 1st Respondent in Proceedings No. F.No. AICTE / AB / SR / PID 1-7270423 dated 11.08.2021 and quash the same as illegal, incompetent, unconstitutional and without jurisdiction and pass such further direct the Respondents to permit the Petitioner to admit students for the year 2021-2022. (PRAYER AMENDED VIDE ORDER DT.17.08.2021 MADE IN WMP.18338/2021 IN WP.16347/2021 BY NAVJ)

For Appellant : Mr.V.Raghavachari
for M/s.Ashwin Shanbhag

For Respondents : Mr.B.Rabu Manohar,
Standing Counsel for R1 to 4

Mr.Richardson Wilson,
Additional Government Pleader for R5

Mr.S.Gopinathan for R6

JUDGMENT

(Delivered by PARESH UPADHYAY, J.)

This Court had, on 10.11.2021, passed the following order:

"Challenge in this appeal is made by the original petitioner (educational institute) to the order dated 18 August, 2021 in W.P.No. 16437 of 2021. The



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controversy is regarding putting the petitioner Institute in 'No Admission Category' by AICTE for the academic year 2021 - 2022.

2. During the pendency of the writ petition, pursuant to the order of this Court, the petitioner/appellant had approached the AICTE and an order dated 11 August, 2021 was passed by it. By the said order, AICTE reiterated its earlier stand to continue the petitioner in 'No Admission Category' for the academic year 2021 - 2022. The basis for this consequence is that, the building in which the institute has been functioning since years was now treated as 'not approved place' by State Authorities (Director of Town and Country Planning - fifth respondent). Learned Single Bench also found that, the root of the controversy was the complaint by a disgruntled element - an earlier trustee of the appellant Institute. The petition is ultimately dismissed.

3. Taking note of all the facts, on this writ appeal, various interim orders are passed starting from 02 September, 2021 till 29 September, 2021 and lastly on 26 October, 2021. The substance thereof is that, the State Authorities were directed to have a re-look at the issue, and one or the another respondent (including the earlier trustee) went on to ask for time and the matter could not be taken up. The matter as it stands now is that, the appellant Institute even now is functioning at that very place where it has been working since years and now it is approved/ recognized by the State Authorities (Director of Town and Country Planning - fifth respondent). Its earlier order (not approving it) was suspended by this Court vide order dated 29.09.2021 and the stand now is that, the place where the Institute is functioning cannot be said to be an unauthorized place. In view of this, the very basis of putting the appellant Institute by AICTE in 'No Admission Category' for the academic year 2021 - 2022 would not hold the field.

4. Even today, the sixth respondent at whose instance the proceedings were taken out against the present appellant has attempted to defer the hearing of this appeal, on the ground that he wants time in the matter. It is under these circumstances, this Court has examined the matter with regard to the cut-off date, which needs to be kept in mind.

5. Learned advocate for the AICTE has stated that for the present academic year (2021 - 2022), the cut-off date was 30 September, 2021 and extension is



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granted in some cases, under the orders of the Supreme Court till 25 October, 2021. We find that even in the interim order dated 29 September, 2021, the urgency aspect was taken note of by this Court and the authorities were directed to do a particular thing and even then, on 26 October, 2021, the matter could not be taken up because it was the learned advocate for the respondent Authorities, who had asked for time. Now when all things are in order, and the appellant is not to be blamed for the cut-off date, the interest of the students also needs to be kept in view.

6. In view of above, it is ordered that the decision of the AICTE to place the appellant Institute in 'No Admission Category' for the academic year 2021 - 2022 shall remain suspended.

7. List for further orders on 15.11.2021."

2. On 18.11.2021 the following order was passed:

"It is indicated that after the order dated 10.11.2021, some additional papers are placed on record. To enable the learned advocates for the other parties to respond to it, if so required, list on 25.11.2021."

3. Learned Advocate for AICTE has, on instructions stated that, it is true that in view of the interim order AICTE has granted approval to the present appellant.

4. In view of above, it is jointly submitted that, no further adjudication of this appeal may be required, so far the dispute between the appellant and the AICTE is concerned. This appeal therefore needs to be disposed of in the above terms.

5.1 At this stage, learned Advocate for the appellant has submitted that, the concerned University needs to grant affiliation and there is no reason for the University not to grant it, since not only the concerned State Authorities (Director of Town and Country Planning - fifth respondent) has approved the premises, but the AICTE has also granted approval.

5.2 Since the University is not party to this litigation, no direction can be given to it, however it is observed that, considering the totality, which is noted above, the concerned University will act in accordance with law, more particularly keeping in view the interest of the students, further keeping in view the cut off line that is prescribed by the authorities from time to time.



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6. This appeal stands disposed of in the above terms. No costs.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

srm/18

To

- 1.The Member Secretary,
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi-110 070.
- 2.The Chairman,
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi-110 070.
- 3.Southern Regional Officer,
All India Council for Technical Education,
Represented by the Southern Regional Officer,
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- 4.Adviser-I (Approved Board),
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Vasanth Kunj, New Delhi-110 070.
- 5.The Director,
Town and Country Planning,
2nd, 3rd and 4th Floor,
C & E Market Road, Koyambedu,
Chennai - 600 107.

+1cc to Mr.Ashwin Shanbhag, Advocate SR.No.61060

+1cc to Mr.B.Rabu Manohar, Advocate SR.No.61220

+1cc to Mr.S.Gopinathan, Advocate SR.No.61225

W.A.No.2236 of 2021

NR(CO)
RVM(09/12/2021)