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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20971 of 2021
and W.M.P.No.22234 of 2021

M.N.S.K.College of Engineering
(Approved by AICTE, New Delhi and
represented by its Principal Dr.K.Parthiban
Dhakshinapuram, Vallathirakottai (P.O.)
Pudhukkottai 622 305.

... Petitioner

-Vs-

1.All India Council for Technical Education
(AICTE), Nelson Mandela Marg
Vasanth Kunj, New Delhi - 110 070.

2.The Registrar
Anna University
Sardar Patel Road
Chennai 600 025.

3.The Commissioner,
Directorate of Technical Education
Chennai 600 025.

4.The Secretary,
Tamil Nadu Engineering Admission
Directorate of Technical Education
Chennai 600 025.

(R3 and R4 suo-motu impleaded by the
order of this Court dated 29.09.2021) ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent herein to issue affiliation to the petitioner college for the Academic Year 2021-22 and consequently include the name of the petitioner college in the counseling session commencing from 01.10.2021 for Technical Education so as to enable the students to make their choice to secure a seat in the petitioners college.



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For Petitioner : Mrs. Hema Sampth, Senior Counsel
for M/s.C.Jagadish

For Respondents: Mr.Rabu Manohar, Standing Counsel for R1
Mr.Govardhanan
for M/s.Row and Reddy - for R2
Mr.A.Selvendran,
Government Advocate - for R3 and R4

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the second respondent to grant affiliation to the petitioner college for the academic year 2021-22 and consequently to include the name of the petitioner college in the counselling session that is conducted by the impleaded third and fourth respondents.

2. Heard Mrs.Hema Sampath, learned Senior Counsel appearing for the petitioner, Mr.Rabu Manohar, learned Standing Counsel appearing for the second respondent, Mr.Govardhanan for M/s.Row and Reddy, learned counsel for the second respondent and Mr.A.Selvendran, learned Government Advocate appearing for the third and fourth respondents.

3. The issue involved in the present case is as to whether the petitioner had paid the affiliation fees before the cut-off date and inspite of the same, the respondent University refused to grant affiliation to the petitioner institution.

4. It is seen from records that the petitioner institution has been granted recognition by the first respondent for the academic year 2021-22. The petitioner institution is affiliated to Anna University. The provisional affiliation is extended every year on payment of affiliation fees. For the academic year 2021-22, the Anna University had sent a communication on 28.07.2021 directing the petitioner institution to pay the affiliation fees. In this case, the last date for grant of affiliation was extended upto 31.08.2021. The Anna University subsequently sent one more communication on 27.08.2021 informing the institution that the last date for payment of affiliation fees is 31.08.2021. Admittedly, the affiliation fees was not paid by the petitioner within this period. Ultimately, by virtue of the orders passed by the Hon'ble Supreme Court, the period was extended upto 03.09.2021 (12 P.M.). This was informed by the AICTE to the respondent University and in turn the respondent University also informed to all the institutions through email dated 02.09.2021 and directed the institutions to



pay the affiliation fees by 03.09.2021 (12 P.M.). There is no dispute with regard to the fact that this communication was also received by the petitioner institution.

5. The case of the petitioner is that they attempted to pay the affiliation fees on 03.09.2021. However, due to some technical glitch, the amount could not be sent before 12.00 Noon. The petitioner is said to have informed about the same to the University. According to the petitioner, even though the amount was sent on 03.09.2021, it was credited in the account of the second respondent only on 04.09.2021. In view of the same, the respondent University did not take any steps to extend the provisional affiliation for the academic year 2021-22.

6. The facts of the present case is squarely covered by the earlier judgment of this Court in W.P.No.20798 of 2021 dated 28.09.2021. The relevant portions of the judgment are extracted hereunder.

" 13. It is clear from the above that the University could have granted affiliation only up to 03.09.2021 and thereafter, it did not have the power to grant affiliation. The AICTE also does not have the power to direct the University to grant affiliation beyond the time limit since the time limit has been fixed by the Hon-ble Supreme Court.

14. The petitioner Institution had paid the affiliation fee of Rs.3,20,000/- only on 13.09.2021, which is well beyond the time granted by the Anna University. Therefore, the request made by the petitioner seeking for provisional affiliation for the academic year 2021-2022, has been rejected by the Anna University.

15. In the considered view of this Court, neither the Anna University nor AICTE can grant any extension of time for getting affiliation beyond 03.09.2021. If any such leverage had been shown, it would have amounted to violating the orders passed by the Hon-ble Supreme Court. If any orders are passed by this Court granting extension of time for affiliation by the Anna University, that will run contrary to the orders passed by the Hon-ble Supreme Court, wherein the time was extended only up to 03.09.2021. If at all any extension of time is sought for, it can only be by way of moving an application before the Hon-ble Supreme Court. There is no other option to extend the time for granting affiliation to the Institutions affiliated



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to Anna University. This mandate applies to all the Institutions and whichever Institution did not get the provisional affiliation on or before 03.09.2021, cannot be permitted to move writ petitions before this Court, seeking for a direction to the University to grant affiliation. Judicial discipline requires that this Court does not issue any such directions under any circumstances since it will have wider ramifications and it will also violate the directions issued by the Hon'ble Supreme Court."

7. It is clear from the above that, neither Anna University nor AICTE can grant any extension of time for getting affiliation beyond 03.09.2021. This Court held that, the only way in which such extension of time for grant of affiliation can be attempted is by knocking the doors of the Hon'ble Supreme Court. The Hon'ble Supreme Court had fixed the deadline as 03.09.2021 (12 P.M.). Beyond that, there is no scope for extending the affiliation and if any such directions are issued, it will be in violation of the directions of the Hon'ble Supreme Court.

8. Even though it was contended on the side of the petitioner that the amount was transferred on 03.09.2021, the fact remains that the same got credited to the account of the second respondent only on 04.09.2021 and this is clearly beyond the time fixed by the Hon'ble Supreme Court. It is quite unfortunate that the petitioner institution which is a running institution and which has also got recognition from the AICTE for the academic year 2021-22, waited till the last moment to pay the affiliation fees and ultimately missed the bus. The petitioner institution had an opportunity to pay the affiliation fees right from July 2021 onwards and they were aware of the fact that the original time was fixed as 31.08.2021. Therefore, further extension upto 03.09.2021 was only a bonus and the petitioner failed to take advantage of the same.

9. In view of the above, this Court is not inclined to grant the relief as sought for by the petitioner. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-IX)

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Sub Assistant Registrar



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+1cc to Mr.C.Jagadish, Advocate, S.R.No.51230
+1cc to M/s.Row & Reddy, Advocate, S.R.No.50808
+1cc to the Government Pleader, S.R.No.51305

W.P.No.20971 of 2021

VSN II(CO)
CB(01/11/2021)