



W.P(MD)Nos.10084/2021, 13318/2017, etc., batch.,

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 20.07.2021

PRONOUNCED ON : 26.07.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)Nos.10084/2021, 13318/2017,14429/2019, 8187/2018, 19063/2015,

20406/2017, 17547/2014, 18487/2019, 1366/2018

and 6621/2016

and

W.M.P(MD) .Nos.10392/2017, 14900/2019, 16673/2017, 7798/2021,

8482/2017, 4792/2020, 5731/2016, 7738/2018 and 1451/2018

(Through Video Conference)

1. Aravind S/o.R.Ravi, Ambady, Kurichimittom Post, Edayaranmula, Pathanamthitta, Kerala-689532

... Petitioner in WP(MD). 10084 of 2021

1. Immanuel Arasar International Ins. of Sci & Tech. Edl & Charit. Trust, Rep. by its Managing/founder Trustee, Dr.Sam.G.Jeba Joselin, S.G.Hospital Campus, Pammam Marthandam Kk Dist

... Petitioner in WP(MD). 13318 of 2017

1. Immanuel Arasar International Institute of Science&technology Educational&charitable Trust,Rep. by Founder Trustee,Dr.Sam.G.Jeba Joselin,S.G.Hospital Campus,Old Theatre Junction, Pammam, Marthandam, Kanyakumari

... Petitioner in WP(MD). 14429 of 2019

1. Immanuel Arasar International Institute of Science and Technology Educational and Charitable Trust, Rep.By its Founder Trustee, Dr.Sam G.Jeba Joselin, S.G.Hospital Campus, Old Theatre Junction, Pammam, Marthandam, Kanyakumari District

... Petitioner in WP(MD). 8187 of 2018

1. Immanuel Arasar International Institute Science and Technology Educational and Charitable Trust, Rep by its Managing Trustee, Dr. Sam G. Jeba Joselin S.G. Hospital Campus, Old Theatre Junction, Pammam, Marthandam, Kanyakumari District.

... Petitioner in WP(MD). 19063 of 2015

1. Immanuel Arasar International Al, Institute of Science&technology Edl&charitable Trust, Rep. by its Mang,/founder Trustee, G.Jeba Joselin, S.G.Hospital Campus, Pammam, K.K.Dist.

... Petitioner in WP(MD). 20406 of 2017

1. Immanuel Arasar International Institute of Science & Technology Educational&charitable Trust. Rep. by Managing Trustee, Dr. Sam G. Jeba Joselin , S.G. Hospital Campus, K.K. District

... Petitioner in WP(MD). 17547 of 2014



1. M.G.Sreerag S/o. Girijappan, Mekkampurathu House,
Kulathoorprayar Post, Kottayam, Kerala

... Petitioner in WP(MD). 18487 of 2019

1. Immanuel Arasar International Institute of Sci. & Tech.
Education and Charitable Trust, Rep.By its Founder
Trustees, Sam.G.Jeba Joselin, Old Theatre Junction, Pammam,
Marthandam, KK District

... Petitioner in WP(MD). 1366 of 2018

1. Immanuel Arasar International Institute of Science and
Technology Educational and Charitable Trust, Rep. by its Managing
Trustee, Dr.Sam G.Jeba Joselin, S.G.Hospital Campus, Old Theatre
Junction, Pammam, Marthandam, Kanyakumari District.

... Petitioner in WP(MD). 6621 of 2016

1. All India Council For Technical Education,
Rep by its Member Secretary, 7th Floor, Chanderlok Building,
Janpath, New Delhi-110 001
2. The Director/commissioner Of Technical Education, Sardar Patel
Road, Guindy, Chennai-600 025
3. Immanuel Arasar International Institute Of, Science and
Technology Educational and Charitable Trust, Rep by its Founder
Trustee, Dr.Sam.G.Jeba Joselin,

... Respondents in WP(MD). 10084/ 2021

1. All India Council For Technical Education, 7th Floor,
Chanderlok Building, Janpath, New Delhi-01, Rep. by its Member
Secretary.
2. The Souther Regional Officer, All India Council For Technical
Edn., Shastri Bhavan, 26, Haddows Road, Nungambakkam, Chennai-06
3. The State of Tamil Nadu Rep. by its Secretary, Dept. of Hr.
Education, Fort St.George, Chennai-09
4. The Director/commissioner Of Technical Education, Sardar Patel
Road, Guindy, Chennai-25

... Respondents in WP(MD). 13318 of 2017

1. The Director/ Commissioner Of Technical Education, Sardar Patel
Road, Guindy, Chennai-25

... Respondents in WP(MD). 14429 of 2019

1. All India Council For Technical Education, 7th Floor,
Chanderlok Building, Janpath, New Delhi - 110 001, Rep. by its
Member Secretary.
2. The Southern Regional Officer All India Council For Technical
Education, Shastri Bhavan, 26, Haddows Road, Nungambakkam,
Chennai - 600 006



3. The Director / Commissioner Of, Technical Education, Sardar Patel Road, Guindy, Chennai - 600 025

... Respondents in WP(MD). 8187 of 2018

1. All India Council For Technical Education 7th Floor, Chanderlok Building Janapath, New Delhi- 110 001. Rep by its Member Secretary

2. The Southern Regional Officer, All India Council For Technical Education, Shastri Bhavn 26, Haddows Road, Nungambakkam, Chennai- 600 006.

3. The State of Tamil Nadu Rep. by its Secretary Dept. of Hr. Education, Fort St. George, Chennai- 600 009.

4. The Director / Commissioner of Technical Education, Sardar Patel Road, Guindy, Chennai- 25.

... Respondents in WP(MD). 19063 of 2015

1. All India Council For Technical Education, 7th Floor, Chanderlok Building, Janpath, New Delhi-110 001, Rep. by its Member Secretary.

2. The Southern Regional Officer
All India Council For Technical Education, Shastri Bhavan, 26, Haddows Road, Nungambakkam, Chennai-600 006.

3. The State of Tamil Nadu, Rep. by its Secretary, Department of Higher Education, Fort St.George, Chennai - 600 009.

4. The Director / Commissioner Of Technical Education, Sardar Patel Road, Guindy, Chennai - 600 025.

... Respondents in WP(MD). 20406 of 2017

1. All India Council For Technical Education, 7th Floor, Chanderlok Building, Janpath , New Delhi 110 001, Rep. by its Member Secretary

2. The Southern Regional Office R,, All India Council For Technical Education, Shastri Bhavan 26, Haddows Road, Nungambakkam, Chennai 6

3. The State of Tamil Nadu, Rep. by its Secretary, Dept. of Higher Education, Fort.St.George, Chennai 9

4. The Director/ Commissioner of Technical Education, Sardar Patel Road, Guindy, Chennai 25

... Respondents in WP(MD). 17547 of 2014

1. All India Council For Techni Cal Education, 7th Floor, Chanderlok Building, Janpath, New Delhi-110001, Rep. by its Member Secretary

2. The Director / Commissioner Of Technical Education, Sardar Patel Road, Guindy, Chennai-25



3. Immanuel Arasar International Institute of Science and Technoclogy Educational and Charitable Trust, Rep. by its Founder Trustee, Dr.Sam.G.Jeba Joselin,

... Respondents in WP(MD). 18487 of 2019

1. All India Council For Technical Education 7th Floor, Chanderlok Building, Janpath, New Delhi - 110 001, Rep. by its Member Secretary.

2. The Southern Regional Officer All India Council For Technical Education, Shastri Bhavan, 26, Haddows Road, Nungambakkam, Chennai - 600 006.

3. The Director / Commissioner Of Technical Education, Sardar Patel Road, Guindy, Chennai - 600 005.

... Respondents in WP(MD). 1366 of 2018

1. All India Council For Technical Education, 7th Floor, Chanderlok Building, Janpath, New Delhi-110 001, Rep. by its Member Secretary.

2. The Southern Regional Office R,, All India Council For Technical Education, Shastri Bhavan, 26, Haddows Road, Nungambakkam, Chennai-600 006.

3. The State of Tamil Nadu Rep. by its Secretary, Department of Higher Education, Fort St. George, Chennai-600 009.

4. The Director / Commissioner Of, Technical Education, Sardar Patel Road, Guindy, Chennai-600 025.

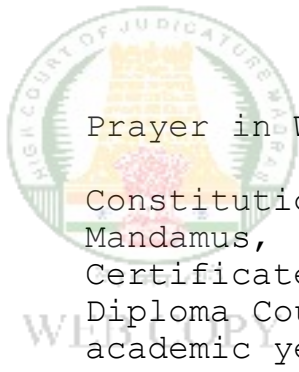
... Respondents in WP(MD). 6621 of 2016

Prayer in WP(MD). 10084/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus to directing the 1st and 2nd respondent to issue final year Mark sheet, Provisional Certificate and Diploma Certificate to the Petitioner (Reg no. 16250923) for completion of Diploma Course in Mechanical Engineering in the 3rd respondent Institution for the academic years 2015-2018 and pass such further or other orders as this Honble Court deems fit and proper in the circumstances of the above case and thus render justice.

Prayer in WP(MD). 13318 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in F.No. Southern/01/Misc/2014/AB dated 23.06.2017 on the file of the 1st respondent and quash the same and further directing the 1st respondent to grant extension of approval to conduct second shift Diploma in Mechanical Engineering and CSC Programme for the academic year 2017-18 to the petitioners college viz., Immanuel Arasar J.J. College of Engineering and for the subsequent



Prayer in WP(MD). 14429 of 2019:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondent to issue Dipoma, Provisional Certificate and Mark Sheet to the successful candidates who studied Diploma Course in Engineering in the Petitioners Institution for the academic year 2015-2018

Prayer in WP(MD). 8187 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the proceedings of the impugned order in F.No. Southern/01/Misc/2014/AB dated 13.03.18 on the file of the 1st respondent and quash the same and further directing the respondents to issue extension of approval for the Diploma in Mechanical Engineering (Second Shift) and approval for Diploma in CSE (Second Shift) in the petitioners College viz., Immanuel Arasar JJ College of Engineering for the academic year 2018-2019.

Prayer in WP(MD). 19063 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to consider forthwith the petitioners application dated 08.10.2015 for reconsideration of the Extension of Approval of the Diploma in Mechanical Engineering (2nd Shift) Degree Course in the Petitioners college for the academic year 2015-16.

Prayer in WP(MD). 20406 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari calling for the records relating to the proceedings of the Impugned Order in Letter No.112706/M1/2017 dated 23.10.17 on the file of the 4th Respondent and quash the same.

Prayer in WP(MD). 17547 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 1st respondent AICTE in File NO. Southern/01/Misc/2014/AB dated 15.10.2014 quash the same and further direct the respondents to permit the 89 students admitted to the Diploma in Mechanical Engineering (2nd shift) Degree Course in the petitioner college in the academic year 2014-2015(Name List annexed) to take the periodic examinations and to get the results released and the Degrees awarded and pass further or other orders.



Prayer in WP(MD). 18487 of 2019:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To direct the 2nd respondent to issue Diploma, Provisional Certificate and Mark Sheet to the petitioner who studied Diploma course in Engineering in the 3rd respondents Institution for the academic year 2015-2018

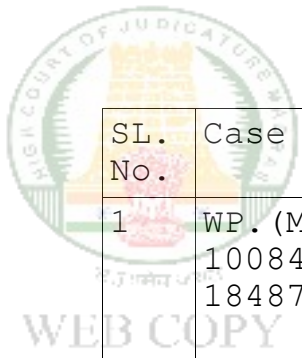
Prayer in WP(MD). 1366 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents to receive the application from the petitioners either online or through physical format for the extension of approval for the Diploma in Mechanical Engineering (Second Shift) in the Petitioners College viz., Immanuel Arasar JJ College of Engineering by enabling their website to upload the application and to consider the same for the grant of extension of approval for the academic 2018-2019.

Prayer in WP(MD). 6621 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 4th respondent Director / Commissioner of Technical Education herein to permit the 104 students (Name list annexed) admitted to the Diploma in Mechanical Engineering (2nd Shift) Degree Course in the petitioner college in the academic year 2015-2016 to take their respective ensuing 1st Semester examinations (Arrears) and the 2nd Semester examinations (Regular) slated to commence on 05.04.2016 or on any other future date and publish the results thereof.

In all cases:

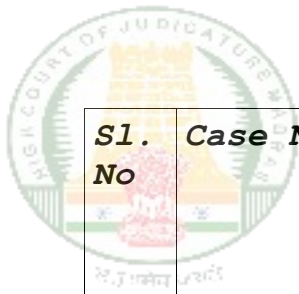


SL. No.	Case No.	Counsel for Petitioner	Counsel for the Respondents
1	WP. (MD) .No. 10084/2021 and 18487/2019	Mr.K.Jeyamohan	Mr.N.Dilip Kumar for R1 Mr.M.Lingadurai, Govt. Adv. for R2 Mr.Ragatheesh Kumar, for R3
2	WP. (MD) .No. 17547/2014 and 19063/2015	Mr.Ragatheesh Kumar, for M/s.Issach Chambers,	Mr.N.Dilip Kumar for R1&R2 Mr.M.Lingadurai, Govt. Adv. for R3&4
3	WP. (MD) .No. 6621 of 2016	Mr.K.Prabhu	Mr.N.Dilip Kumar for R1&R2 Mr.M.Lingadurai, Govt. Adv. for R3&4
4	W.P (MD) . Nos.13318/2017 and 20406/2017,	Mr.G.Prabu Rajadurai	Mr.N.Dilip Kumar for R1&R2 Mr.M.Lingadurai, Govt. Adv. for R3&4
5	W.P (MD) . No.14429/2019	Mr.G.Prabu Rajadurai	Mr.M.Lingadurai, Govt. Adv. for respondent
6	W.P (MD) . Nos.8187/2018 and 1366/2018	Mr.G.Prabu Rajadurai	Mr.N.Dilip Kumar for R1&R2. Mr.M.Lingadurai, Govt. Adv. for R3

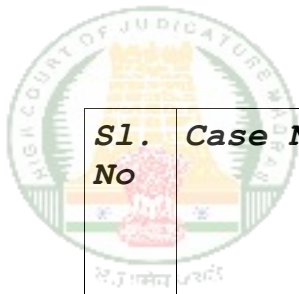
COMMON ORDER

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

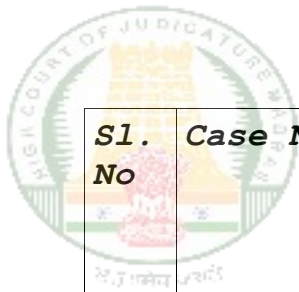
2. For more clarity and proper understanding, the particulars of the petitioners and the relief sought for in all these writ petitions are tabulated hereunder:



Sl. No	Case Number	Particulars of the petitioner/ petitioners	Relevant Academic year	Relief sought for in the writ petition
1	W.P (MD) . No17547/2014	Educational Trust rep. by Managing Trustee	2014-2015	Challenging the impugned proceedings of AICTE dated 15.10.2014 and for a direction to permit the 89 students admitted in Diploma in Mechanical Engineering to write the examinations, award the marks and issue decree certificate.
2.	WP (MD) .No 19063/2015	Educational Trust rep. by Managing Trustee	2015-2016	To direct AICTE to consider the application submitted on 08.10.2015 seeking for reconsideration of the extension of approval for Diploma in Mechanical Engineering for the Academic year 2015-2016.
3.	WP (MD) .No. 6621/2016	Educational Trust rep. by Managing Trustee	2015-2016	To direct the Director of Technical Education to permit 104 students admitted in Diploma in Mechanical Engineering during Academic year 2015-2016 to take their examinations for the first semester and the second semester and publish their results.
4.	WP (MD) .No. 13318/2017	Educational Trust rep. by Managing Trustee	2017-2018	Challenging the Proceedings of the AICTE dated 23.06.2017 and for a direction to AICTE to grant extension of approval to conduct Diploma in Mechanical Engineering for the Academic year 2017-2018.



Sl. No	Case Number	Particulars of the petitioner/ petitioners	Relevant Academic year	Relief sought for in the writ petition
5.	WP (MD) .No. 20406/2017	Educational Trust rep. by Managing Trustee	2015-2016	Challenging the impugned letter issued by the Commissioner of Technical Education dated 23.10.2017 wherein the petitioner was directed to transfer of those students admitted during the Academic year 2015-2016 without approval of AICTE and who are doing the 5 th semester, to other recognized institutions after obtaining the choice of the students.
6.	WP (MD) .No. 1366/2018	Educational Trust rep. by Managing Trustee	2018-2019	To direct the AICTE and Commissioner of Technical Education to permit the petitioner to submit the application for grant of extension of approval for the Academic year 2018-2019.
7.	WP (MD) .No. 8187/2018	Educational Trust rep. by Managing Trustee	2018-2019	Challenging the Proceedings of AICTE, dated 13.03.2018 and for a consequential directions to issue extension of approval for Diploma in Mechanical Engineering for the Academic year 2018-2019.
8.	WP (MD) .No. 14429/2019	Educational Trust rep. by Managing Trustee	2015-2016	To direct the Commissioner of Technical Education to issue the certificates and mark sheets for candidates who studied Diploma in Mechanical Engineering in the petitioner Institution for the Academic year 2015-2018.



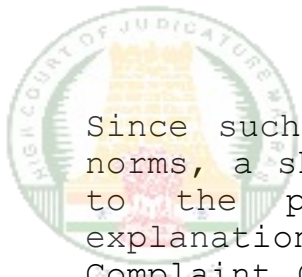
Sl. No	Case Number	Particulars of the petitioner/ petitioners	Relevant Academic year	Relief sought for in the writ petition
9.	WP(MD) .No. 18487/2019	Student who studied in the Educational Institution	2015-2018	To direct the Commissioner of Technical Education to issue the certificates and mark sheets for candidates who studied Diploma in Mechanical Engineering in the petitioner Institution for the Academic year 2015-2018.
10	WP(MD) .No. 10084/2021	Student who studied in the Educational Institution	2015-2018	To direct the Commissioner of Technical Education to issue the certificates and mark sheets for candidates who studied Diploma in Mechanical Engineering in the petitioner Institution for the Academic year 2015-2018.

3. The brief facts of the case are as follows:

The petitioner Educational Institution has established an Engineering College in the year 2009 and recognition was granted by AICTE to start the Engineering Courses from the Academic year 2009-2010 and Anna University, Tirunelveli also granted affiliation to the Engineering College. It is a self-financing institution. It is brought to the notice of this Court that the College is running nearly 15 Degree Courses with more than 800 students studying in those courses.

3.1. The petitioner institution made an application for conducting Diploma Courses in Civil Engineering and Mechanical Engineering in the year 2012. The AICTE through proceedings dated 10.05.2012 granted approval to the petitioner institution to conduct diploma courses in both the disciplines with an intake of 60 students in each course. These diploma courses were to be conducted during the second shift. During the first shift, the institution continued to carry on with the regular Engineering Courses.

3.2. It came to the attention of the Commissioner of Technical Education that the petitioner Institution had admitted 57 students under lateral entry during Academic year 2013-14. This was immediately intimated to AICTE through letter dated 23.12.2013.



Since such admission made through lateral entry was against AICTE norms, a show cause notice came to be issued by AICTE on 27.01.2014 to the petitioner institution. The institution submitted an explanation on 10.02.2014. An enquiry was conducted by the Standing Complaint Committee and an order came to be passed by the AICTE on 23.04.2014 to the effect that the petitioner Institution should not admit students for the Diploma Course in Mechanical Engineering for the Academic year 2014-2015.

3.3. In the meantime a complaint was given by one Thangavel pointing out various deficiencies in the petitioner Institution. Based on this complaint, an inspection was conducted and an Expert Committee furnished a report dated 19.05.2014 to the AICTE. The AICTE gave an opportunity to the petitioner Institution to present their case with regard to the deficiencies pointed out by the Expert Committee, before the Standing Appellate Committee. Accordingly, the petitioner Institution also presented their case before the Committee on 26.02.2014. Thereafter the matter was placed before the Standing Complaint Committee on 03.04.2014 and the Committee recommended to impose penalty of no admission status in one or more Courses for one Academic year and no admission status in Mechanical Engineering Course for Academic year 2014-2015.

3.4. The petitioner Institution made a representation on 13.06.2014 to give an opportunity to present their case for review. Accordingly, the matter was placed before the Committee and the Committee through proceedings dated 14.06.2014 recommended that the Institution has complied with all other deficiencies except the DTCP approval and one year time can be given for getting the approval. It was further recommended that the extension of approval can be granted to the Institution for Academic year 2014-2015. This recommendation was placed before the Standing Appellate Committee and by the time it was considered, the cut off date for the approval was over and hence the Council was unable to process the extension of approval for the Academic year 2014-2015. Thereafter the petitioner institution moved a petition before the Hon'ble Supreme Court seeking for extension of time and a short extension of time was also granted in favour of the petitioner.

3.5. The extension of approval for the Academic year 2014-2015 was uploaded in the website on 27.06.2014. While uploading the approval, the Diploma in Mechanical Engineering was also incorporated in the list of Courses that were approved.

3.6. The AICTE through a corrigendum dated 13.10.2014 once again uploaded the list of Courses for which extension of approval was granted for Academic year 2014-2015 and in the said list, the Diploma Course for Mechanical Engineering was deleted. However, in



the meantime the petitioner Institution proceeded to admit the students based on the earlier notification dated 27.06.2014.

3.7. The AICTE through communication dated 15.10.2014 informed the Government of Tamilnadu regarding the corrigendum issued on 13.10.2014 and thereby AICTE reiterated that there is a no admission status insofar as the Diploma Course in Mechanical Engineering is concerned with respect to the petitioner Institution. This communication has been made a subject matter of challenge in W.P (MD).No.17574 of 2014.

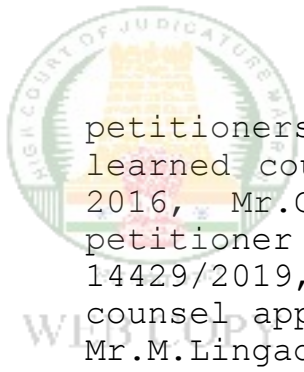
3.8. Thereafter the petitioner Institution has been seeking for extension of approval for the Diploma Course in Mechanical Engineering from the Academic year 2015-2016 and it was not granted by AICTE. Admittedly no extension of approval was granted thereafter, however, the petitioner institution went ahead and admitted 120 students in the Diploma in Mechanical Engineering during the Academic year 2015-2016. This was the last batch of students who were admitted in the Diploma Course. Thereafter the Institution has been requesting for granting extension of approval and it was never granted.

3.9. In the meantime the Commissioner of Technical Education took steps to transfer the students who were admitted during the Academic year 2015-2016 to other recognized Institutions. This was made a subject matter of challenge in W.P(MD).No.20406 of 2017 and this Court by an interim order, dated 06.11.2017, stayed the proceedings of the Commissioner of Technical Education.

3.10. All the other writ petitions have been filed by the Institution and the students seeking for extension of approval and for permitting them to write the examination and to release the results and issue them with the necessary certificates and mark statements.

4. The AICTE and the Department of Technical Education have filed counter affidavits and they have opposed the claim made by the petitioner Institution and they have taken a very clear stand that the petitioner Institution had admitted students without any approval and hence the admission itself is illegal. A further stand has been taken to the effect that the students are being used as a shield to cover up the illegalities of the petitioner institution. The AICTE has also taken a very specific stand that the institution must be mulcted with serious penalty for having violated the AICTE regulations and this Court should not show any misplaced sympathy to the petitioner Institution.

5. Heard Mr.K.Jeyamohan, learned counsel appearing for the petitioners in W.P(MD).No.10084/2021 and 18487/2019, Mr.Ragatheesh Kumar, for M/s.Issach Chambers, learned counsel appearing for the

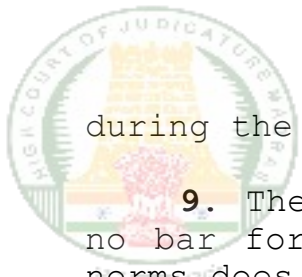


petitioners in W.P(MD).Nos.17547/2014 and 19063/2015, Mr.K.Prabhu, learned counsel appearing for the petitioner in W.P(MD).No.6621 of 2016, Mr.G.Prabu Rajadurai, learned counsel appearing for the petitioner Institution in W.P(MD).Nos.13318/2017, 20406/2017, 14429/2019, 8187/2018 and 1366/2018, Mr.N.Dilip Kumar, learned counsel appearing for the All India Council for Technical Education, Mr.M.Lingadurai, learned Government Advocate appearing for the State and Mr.Ragatheesh Kumar, learned counsel appearing for the private respondents in W.P(MD).Nos.10084/2021 and 18487/2019.

6. The basic premise on which the petitioners are developing their case is that there was no legal bar for the petitioner institution to admit students through lateral entry and in the absence of any prohibition, no penalty can be imposed against the petitioner institution. This argument is further developed by submitting that as against the proceedings of the AICTE dated 23.04.2014, an appeal was filed and an order was passed by the Council on 16.06.2014 accepting the recommendation made by the Standing Appellate Committee for extension of approval for Academic year 2014-2015 and by letter dated 27.06.2014 extension of approval was given for all the courses including the Diploma Course in Mechanical Engineering. It was based on this letter, the students were admitted for the said Course during the Academic year 2014-2015. This letter was subsequently modified through corrigendum dated 13.10.2014 whereby extension of approval that was granted for Diploma in Mechanical Engineering alone was withdrawn. Therefore according to the petitioners, the institution cannot be faulted for admitting the students during the Academic year 2014-2015. As a sequel to these submissions, the learned counsel appearing on behalf of the petitioners are questioning the non-grant of approval for the Diploma in Mechanical Engineering for the Academic year 2015-2016 and for all the subsequent years.

7. This Court has to deal with the issues raised on the side of the petitioners sequentially in order to find out the actual truth and accordingly reach a conclusion.

8. There is no dispute with regard to the fact that AICTE granted approval to the petitioner institution to offer Diploma Course in Mechanical Engineering in the year 2012. This approval was granted with a specific condition that the course will be conducted only during the second shift. The petitioner College was able to admit only 46 students during the Academic year 2012-2013. The actual problem arose when the institution admitted 57 students through lateral entry during Academic year 2013-2014. Admitting students through lateral entry would mean that students were admitted directly in the second year in those seats which were not filled up during the first year. In other words 57 students who did not undergo the course in the first year directly got admitted



during the second year.

9. The petitioner institution has taken a stand as if there is no bar for admitting students through lateral entry and the AICTE norms does not prohibit the same. This stand taken by the petitioner institution is not sustainable. The approval process handbook for the year 2012-2013 specifically prohibits such lateral entry as per Clause 8.1 which states that "No supernumerary seats shall be allotted to second shift programmes". The supernumerary seats that is referred in the Clause pertains to carrying forward the unfilled seats to the next year and admitting students through lateral entry. Therefore there is a specific prohibition for admitting students through lateral entry and the same was violated by the petitioner institution.

10. It was not as if the petitioner institution did not understand this lapse. In their letter dated 10.02.2014, they have taken a stand that they have started a new Diploma Programme and were not aware that they should not fill up lapsed seats in the second shift programme. On receipt of this explanation, the AICTE issued an enquiry notice before the Standing Complaint Committee. The petitioner institution attended the enquiry and based on the recommendation of the Committee, the AICTE through proceedings dated 23.04.2014 passed an order to the following effect:

"No Admission status in Mechanical Engineering in Second Shift Diploma Course for the AY 2014-2015 be granted to Immanuel Arasar J.J.College of Engineering, Kanyakumari District, Tamilnadu."

It is therefore very clear that the petitioner institution was barred from admitting any students in Mechanical Engineering Diploma Course for the Academic year 2014-2015. This letter issued by the AICTE has not been put to challenge.

11. The subsequent event that took place, which looks very curious for this Court, actually confounded the existing situation and it was taken advantage by the petitioner institution.

12. The AICTE started getting independent complaints about various deficiencies pertaining to infrastructure, faculties, etc., during the middle of the year 2013. Hence an expert visiting committee was directed to conduct an inspection in the institution and this committee submitted a report dated 19.05.2014 pointing out various deficiencies. Based on this report, the AICTE issued a notice to the petitioner institution to attend an enquiry before the Standing Appellate Committee upon the expert Visit report. Accordingly, the petitioner institution attended the enquiry and the committee after hearing the institution recommended that no extension of approval must be granted to the institution for the Academic year 2014-2015 because of the serious deficiencies pointed out in the report. The petitioner institution made a representation



on 13.06.2014 to provide them an opportunity against the recommendation made by the Standing Appellate Committee. Accordingly an opportunity was given and the Executive Committee decided that the petitioner institution has complied with all the other deficiencies except getting DTCP approval and therefore the institution was given one year time for getting DTCP approval. Accordingly, the institution was granted extension of approval for Academic year 2014-2015. Since the cut off date fixed by the Hon'ble Supreme Court had expired by then, the petitioner institution approached the Hon'ble Supreme Court and the Hon'ble Supreme Court by an order dated 26.06.2014 granted a short extension and provided the time lines. Thereafter by letter dated 27.06.2014, the extension of approval was granted. While granting the approval, the Diploma in Mechanical Engineering was also added at the end of the tabular column in the list of programmes for which the approval was granted. Obviously it is an apparent error to have included Diploma in Mechanical Engineering in the list since the AICTE had already taken a decision not to grant approval for this Course by proceedings dated 23.04.2014 and the same has also become final. The AICTE realised this mistake and issued a corrigendum on 13.10.2014. However, by then, the damage was done and the petitioner institution proceeded to admit 89 students for Diploma in Mechanical Engineering for the Academic year 2014-2015. This corrigendum dated 13.10.2014 was also not put to challenge by the petitioner institution.

13. Subsequently, the AICTE informed the Government of Tamilnadu about the issuance of corrigendum by letter dated 15.10.2014 and this letter has been put to challenge in W.P.(MD). No.17547 of 2014.

14. In the considered view of this Court, there is absolutely no ground to interfere with the communication dated 15.10.2014 and it is only a consequential letter pursuant to the issuance of corrigendum dated 13.10.2014. The AICTE cannot be faulted for issuing the corrigendum since it was an inadvertent mistake on the part of AICTE to have included Diploma in Mechanical Engineering Course while granting extension of approval through proceedings dated 16.06.2014 and which was uploaded in the website on 27.06.2014. There is no question of giving any opportunity to the petitioner institution before issuance of the corrigendum since AICTE was only correcting an apparent mistake that had taken place. The corrigendum was necessitated due to the fact that AICTE had passed an order on 23.04.2014 restraining the institution from admitting any students in the Mechanical Engineering Diploma Course and this order had also become final and it was never challenged by the petitioner institution. Just because the institution took advantage of the mistake committed by AICTE, the benefit cannot enure in favour of the institution. The admission of students in this course during the Academic year 2014-2015 cannot be used as a shield by the institution to justify their action. Therefore, this



Court does not find any ground to grant the relief sought for by the petitioner institution in W.P(MD).No.17547 of 2014. It was brought to the notice of this Court that the students who were admitted during this Academic year had completed the course and were also issued with certificates. Therefore, this Court does not want to precipitate the matter any further insofar as the students admitted during the Academic year 2014-2015.

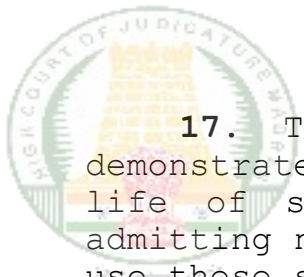
15. It is also seen from records that initially the Directorate of Technical Education had rejected the grant of affiliation to the petitioner institution when the approval was granted by AICTE for the Civil and Mechanical Engineering Diploma Courses during the second shift. This became a subject matter of challenge in W.P(MD). No.14417 and 16698 of 2012. Final orders were passed in these writ petitions on 16.09.2014. This Court after taking into consideration the entire facts and circumstances of the case, allowed the writ petitions in the following terms.:

"26.In view of the above, both the writ petitions are allowed in the following terms;

(1)The students, who have already been admitted in the Diploma Courses in the Second Shift run by the petitioner college, in pursuance of the permission granted by AICTE, shall be permitted to complete the courses and the respondent shall conduct the examinations and publish the results and finally issue certificates to them unconditionally.

(2)For the Academic year 2015-2016 onwards, if the petitioner wishes to run such courses, he may make an application to the respondent, in terms of G.O.Ms.No.10, Higher Education (B2) Department, dated 20.01.2014 and if any such application is made, the respondent shall consider the same and pass orders within a period of two months from the date of receipt of such application. While doing so, the respondent shall have regard to the Hon'ble Supreme Court judgment in *Jaya Gokul Educational Trust Vs. Commissioner & Secretary to Government Higher Education Department, Kerala*, reported in (2000) 5 SCC 231."

16. It is pursuant to the above order passed in the writ petitions, the students have been allowed to complete the course during the Academic year 2014-2015 and the certificates have also been issued to them. This was done taking into consideration the interest of the students and the institution cannot be allowed to take advantage of the same. Therefore, in spite of this order passed in the above writ petitions, this Court is not inclined to allow the writ petition filed by the petitioner institution in W.P(MD). No.17547 of 2014 since it is devoid of merits.



17. The events that took place subsequently will clearly demonstrate as to how the petitioner institution has played with the life of students during Academic year 2015-2016 and how after admitting nearly 120 students without any approval, has attempted to use these students as a shield to neutralise their illegal act.

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18. It is an admitted case that the AICTE by order dated 23.04.2014, restrained the institution from making any admissions in Mechanical Engineering Course during the Academic year 2014-2015. Under such circumstances, the petitioner institution filed an application on 02.03.2015 seeking for approval for the Mechanical Engineering Diploma course for Academic year 2015-2016. Since the approval was not granted for Academic year 2014-2015, the AICTE on receipt of the application from the institution, directed the expert Visiting Committee to conduct an inspection and submit a report. For some very strange reasons, the petitioner institution wrote a letter to AICTE on 05.03.2015. It will be relevant to extract the contents of this letter hereunder:

"We are pleased inform you that we are withdrawing the retrieval Application regarding the Diploma in Mechanical Engineering programme for the Academic year 2015-16"

19. The petitioner institution by writing this letter expressed its intention to withdraw the application made for approval for the Mechanical Engineering Diploma Course and thereby the petitioner institution also avoided the inspection that was directed to be conducted by the Expert Visiting Committee. Eventhough this letter looks very innocuous, the petitioner institution thereby actually avoided an inspection for reasons best known to them.

20. By virtue of the above letter, the AICTE granted the extension of approval for all the other courses on 21.04.2015 for the Academic year 2015-2016. This is an automatic approval since these Courses had prior approval even during the Academic year 2014-2015 and no inspection is necessary for granting extension of approval.

21. The petitioner institution thereafter created a cause of action by approaching this Court and filing W.P(MD).No.7660 of 2015 for a direction to the AICTE to consider their application for extension of approval for Mechanical Engineering Diploma Course for Academic year 2015-2016 and this Court directed the application to be considered.

22. The AICTE issued a notice to the institution to appear before the Standing Appellate Committee since the institution which had withdrawn the earlier application had chosen to once again give an application and approach this Court. The relevant portions in the proceedings of the AICTE dated 14.09.2015 is extracted for proper



appreciation hereunder:

"The whole controversy arose on the letter dated 05.03.2015 alleged to have been moved by the said institute. The contents of the said letter are as follows:

"We are pleased to informed that we are withdrawing the retrieval approval regarding Diploma Mechanical Engineering Programme for Academic Year 2015-16".

It appears that for this reason EVC was not conducted. The representative did not mention about this letter dated 05.03.2015 in the writ petition filed by them in the Hon'ble High Court.

When the institute was confronted with this letter today the representative disowned the same. Appraisal of the letter dated 05.03.2015 shows that it was written on the letter pad of the institute and bears to identical seals fo the institute mentioning with the genuine seals on ther letter pad.

Scanned copy of this letters is lying on the reocrds. It is also surprising how one can move this application other than the said institution because no other person has got any interest with the matter. It appears that the motive of the representative of the said institution was to stall the EVC. From the above the Committee is prima facie satisfied that the author of the letter was none other than the said institution.

If the institute is interested for Extension of Approval for second shift Diploma in Mechanical Engineering course same can be considered after following the procedure laid down in Approval Process Handbook in vogue for restoration against punitive action for the AY 2016-17.

Increase in intake or new additional course cannot be entertained at this stage in view of the mandate of Hon'ble Supreme Court of India given in the case of Parashavnath Charitable Trust vs. AICTE in C.A.No.9048 of 2012".

In view of the above recommendatios may please note that their request for Extension of Approval for Second Shift Diploma in Mechanical Engineering Course can be considered only after following the procedure laid down in APH in vogue for restoration against punitive action for the AY2016-17."

23. It is clear from the above that the institution was confronted with the earlier letter dated 05.03.2015 which was disowned by the institution. Ultimately, the AICTE decided that the extension of approval will be considered only during the Academic year 2016-2017 since the cut off date is already over. The AICTE



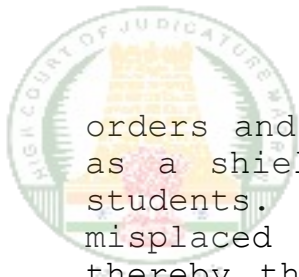
also made it clear that the extension of approval will be considered only after following the procedures laid down in the approval handbook.

24. Thereafter, the AICTE proceeded to issue a show cause notice to the institution on 14.09.2015 since the institution did not comply with the earlier deficiency regarding the DTCP approval, within the time stipulated by the AICTE. That apart, another show cause notice was issued on 08.10.2015 by pointing out various other deficiencies. The institution was directed to give their explanation.

25. In the meantime, the institution started filing writ petitions to permit the students, who were admitted during the Academic year 2015-2016 to write examinations. This Court passed interim orders permitting the students to write examinations subject to the final decision in the writ petition. Obviously these are students who were admitted in a course for which there was no approval. Therefore the Department of Technical Education started taking steps to shift these students to some other institution which has the approval and in order to ensure that the students continue with their courses and complete the same from a recognized institutions. The proceedings dated 23.10.2017 issued by the Department of Technical Education in this regard, was challenged in W.P.(MD).No.20406 of 2017 and this Court granted interim stay of the proceedings of the Department of Technical Education. All the other writ petitions have been filed by the institution and the students for issuance of mark statements and degree certificates for those students who had undertaken the Course from Academic year 2015-2016.

26. Fortunately the institution stopped admitting students in the Mechanical Engineering Diploma course from Academic year 2016-2017. However, the institution kept making repeated applications to the AICTE seeking for approval for the course during every Academic year and pallelly writ petitions were also filed before this Court for directing AICTE to consider the applications. The AICTE declined to grant approval and those orders have also been made a subject matter of challenge in W.P(MD).No.13318/2017 and WP(MD).No.8187/2018.

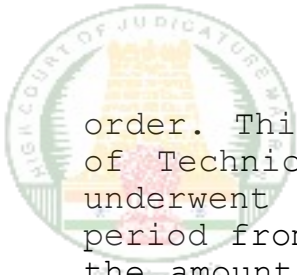
27. It was brought to the notice of this Court that out of 120 students who were admitted in the Course during Academic year 2015-2016 without any approval, nearly 85 students had managed to complete the Course by virtue of interim orders passed by this Court. Therefore the future of nearly 85 students is now hanging in a balance. Obviously submissions were made before this Court by projecting the interest of 85 students and request was made to safeguard the future of these students. This is a technique that is adopted by many institutions who unauthorizedly admit students without any approval, make them write examinations through interim



orders and ultimately, plead before the Court by using the students as a shield requesting to sanctify the Course undergone by the students. There was a time when the Courts also used to show misplaced sympathy and condoned the acts of the institutions and thereby the institutions were left scot free inspite of illegally admitting students. The subsequent judgments of the Hon'ble Supreme Court has come down very heavily on High Courts showing such misplaced sympathy and allowing students to complete a Course through interim orders. The Hon'ble Supreme Court has made it clear that once the admission has been made without any approval, the Courts should not regularise or sanctify such admissions due to misplaced sympathy and the Courts must impose heavy costs against such institutions. In the present case, the petitioner institution continued to commit illegality during the Academic year 2015-2016. The institution was well aware of the fact that they were prohibited from making any admissions to the Diploma Course even during the Academic year 2014-2015 by virtue of the order dated 23.04.2014. However, the petitioner institution hoodwinked the AICTE and took advantage of the inadvertent mistake and admitted 89 students during the Academic year 2014-2015. Thereafter the petitioner institution continued to admit students without any approval during Academic year 2015-2016 and it clearly exposes the moral turpitude on the part of the institution. Therefore, this Court cannot come to the aid of such institutions. The institutions should never be allowed to use the students as a shield to justify their illegal act.

28. This Court does not find any ground to interfere with the impugned communication dated 15.10.2014, proceedings dated 23.06.2017, letter dated 23.10.2017 and proceedings dated 13.03.2018. This Court also does not find any merits in the other writ petitions filed by the institution and the students. The students have undergone the Course and written the examinations by virtue of interim orders passed by this Court. However, they were cautioned that it will be subject to the final outcome in the writ petitions. This is not a case involving excess admissions to order for penalty and permit the students to complete the Course as per the AICTE notification. This is a case where the students have been admitted without any approval from AICTE and hence the very Course conducted by the institution is non-est in the eye of law. Unfortunately the students had undergone the Course and this Court can only sympathise with those students and no relief can be granted to those students as claimed by them.

29. In the result, all the writ petitions are dismissed and there shall be a direction to AICTE to immediately initiate penalty proceedings against the petitioner institution as per the AICTE regulations. The petitioner institution is directed to pay costs of Rs.25,00,000/- (Rupees Twenty five lakhs only) before the Director/Commissioner of Technical Education, Guindy, Chennai within a period of four weeks from the date of receipt of a copy of this



order. This amount shall be utilised by the Director/Commissioner of Technical Education to refund the fees of those students who underwent the Mechanical Engineering Diploma course during the period from 2015-2018. The refund shall be made on pro-rata basis if the amount deposited by the petitioner institution does not satisfy the entire fees paid by the students. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Member Secretary,
All India Council for Technical Education
7th Floor, Chanderlok Building,
Janpath, New Delhi-110001.

2. The Souther Regional Officer,
All India Council For Technical Edn., Shastri Bhavan,
26, Haddows Road, Nungambakkam, Chennai-06

3. The Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai - 600 009.

4. The Director/Commissioner of Technical Education,
Sardar Patel Road,
Guindy,
Chennai- 600 025.

+1 CC to M/s.SPL GP (SR-24016[F] dated 27/07/2021)
+2 CC to M/s.K.JEYAMOHAN, Advocate (SR-24137, 21438[F] dated 28/07/2021)
+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-23982[F] dated 27/07/2021)



W.P(MD)Nos.10084/2021, 13318/2017, etc., batch.,

+3 CC to M/s.ISAAC CHAMBERS, Advocate (SR-23964, 23965, 23967[F]
dated 27/07/2021)

+2 CC to M/s.N.DILIP KUMAR, Advocate (SR-23931[F] dated
28/07/2021)

ORDER MADE IN

W.P (MD) Nos .10084/2021 ,
13318/2017,14429/2019 ,
8187/2018,19063/2015 ,
20406/2017, 17547/2014 ,
18487/2019, 1366/2018

and 6621/2016

26.07.2021

1s (CO)

TR(06.08.2021) 22P 14C