



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON`BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

CMP.Nos.8825 and 8633 of 2022

IN WA.No.1351 of 2022

M/S.ARIGNAR ANNA INSTITUTE OF SCIENCE [PETITIONER IN CMP.8825/2022
AND TECHNOLOGY, REP. BY ITS VICE CHAIRMAN, & 1ST RESPONDENT IN
PENNALUR, SRIPERAMBUDUR, CMP.No.8633/2022]
KANCHEEPURAM - 602 117.

Vs

MAXIMUS ARC LIMITED, [1ST RESPONDENT IN
A COMPANY INCORPORATED UNDER COMPANIES ACT 2013, CMP.No.8825/2022 &
HAVING REGISTERED AND CORPORATE OFFICE AT, PETITIONER IN
59 A - 18/1A -5A, 3RD FLOOR, SRI PLAZA, CMP.No.8633/2022]
TEACHER'S COLONY, PATAMATA, VIJAYAWADA-520008.
REP. BY ITS VICE PRESIDENT SHRI K.HARI KRISHNA.

2 ALL INDIA COUNCIL FOR TECHNICAL EDUCATION, [2 TO 10 RESPONDENTS IN
NELSON MANDELA MARG, VASANT KUNJ, BOTH THE PETITIONS]
NEW DELHI-110 070.

3 THE DIRECTOR,
DIRECTORATE OF TECHNICAL EDUCATION,
53, SARDAR PATEL ROAD, ANNA UNIVERSITY,
GUINDY, CHENNAI-600 025.

4 THE REGISTRAR,
ANNA UNIVERSITY, SARDAR PATEL ROAD,
CHENNAI-600 025.

5 THE DIRECTOR,
CENTRE OF AFFILIATION, ANNA UNIVERSITY,
SARDAR PATEL ROAD, CHENNAI-600 025.



6 THE CONTROLLER OF EXAMINATIONS,
ANNA UNIVERSITY, SARDAR PATEL ROAD,
CHENNAI-600 025.

7 THE DIRECTOR,
STUDENTS AFFAIRS, ANNA UNIVERSITY,
SARDAR PATEL ROAD, CHENNAI-600 025.

8 DEVADARSHAN

9 S.GUNAL

10 R.RENUGA

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim stay in C.M.P.No. 8633 of 2022 in W.A.No. 1351 of 2022 by order dated 11.05.2022 (IN CMP.No.8825 of 2022) and

(ii) To pass an order of **INTERIM STAY** of the effect, implementation and operation of the order passed in WP.No.24644 of 2021 dated 24.11.2021 (IN CMP.No.8633 of 2022) pending disposal of the main WA.No.1351 of 2022.

Order : These miscellaneous petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.N.MURALI KUMARAN, Advocate for M/S.R.GOPINATH, Advocate for the Petitioner in CMP.8825/2022 and 1st Respondent in CMP.No.8633/2022 and of MR.NITHYAESH NATARAJ, Advocate for M/S.NITHYAESH AND VAIBHAV, Advocate for the 1ST Respondent in CMP.No.8825/2022 and Petitioner in CMP.No.8633/2022 and of MR.R.RABU MANOHAR, Advocate for the 2nd Respondent in both the Petitions and of MR.P.ANANDAKUMAR, GOVERNMENT ADVOCATE on behalf of the 3rd Respondent in both the Petitions and of M/S.V.MEENASHI SUNDARAM, Advocate for the 4 to 7 Respondents in both the Petitions, the court made the following order:-

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The Civil Miscellaneous Petition in C.M.P.No.8825 of 2022 has been filed to vacate the interim stay in C.M.P.No.8633 of 2022 in W.A.No.1351 of 2022 by order dated 11.05.2022.

2. The vacate interim stay petition has been instituted by the Arignar Anna Institute of Science and Technology, who is the first respondent in the Writ Appeal. The writ petition was filed by the first respondent/Arignar Anna Institute of Science and Technology, questioning the orders passed by the Directorate of Technical Education. Final order has been passed by the writ Court on 24.11.2021, which reads as follows:



18. With the above direction, the writ petition is disposed of."

4. The appellant in the present writ appeal / Maximus ARC Limited is the secured creditor and is an asset reconstruction company.

6. It is contended that the institution has committed many irregularities and without Affiliation, admitted the students and actions were also initiated by Anna University and as of now, they are not holding Affiliation to admit the students in the institution. Therefore, the interest of the appellant is to be protected for recovery of the dues from the first respondent institution.

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8. The learned counsel appearing on behalf of the Anna University made a submission that the first respondent institution is dis-affiliated from the Academic Year 2021-22 and as of now, the first respondent institution cannot admit students in the college. Therefore, the students already admitted in the Affiliation was in force, are continuing the courses in the first respondent institution. It is for the Anna University to take decision in respect of the students, who are continuing in the first respondent institution, considering the fact that the first respondent possessed Affiliation, when such students were admitted in several courses. It is further contended that the first respondent institution has already been placed under 'No Admission Category' for the Academic Year 2021-22 onwards and therefore, the first respondent is restrained from admitting students from the Academic Year 2021-22.

9. Considering the arguments as advanced by the respective learned counsels appearing on behalf of the parties to the *lis*, we are of the opinion that the final order in the writ petition had been passed on 24.11.2021 and the impugned orders passed by the Directorate of Technical Education were upheld. The Court, in order to protect the interest of the students, issued further directions, providing option to the students to continue in the first respondent institution and in respect of students, who are not willing to pursue their studies in the same institution, they may be transferred forthwith to any other institution for continuance of their courses. The directions are issued to protect the interest of the students admitted in the first respondent institution, more specifically, when the institution possessed Affiliation.

10. As far as the appellant in the writ appeal is concerned, it is an asset reconstruction company. The appellant is the assignee of the loan granted by the Central Bank of India. Therefore, they are empowered to invoke the terms and conditions of the contract for the recovery of dues from the first respondent institution.

11. The learned counsel appearing on behalf of the appellant in the writ appeal made a submission that the actions are initiated to recover the dues by following the procedures as contemplated under law and by invoking the terms and conditions of the contract between the parties.

12. This being the factum established, in the event of continuance of interim stay, the same would cause prejudice to the interest of the students, who were already admitted by the first respondent institution pursuant to the affiliation, which were in existence during the relevant point of time and such students, who were admitted, must be allowed to continue their course and complete the same and their interests are to be protected. The Anna University has to take all necessary actions in accordance with law and as per the AICTE Regulations.



13. As far as the appellant in the writ appeal is concerned, they are no way connected with the admission of students or the directions issued by this Court in W.P.No.24644 of 2021 dated 24.11.2021 and their cause is independent and as rightly pointed out by the appellant, they have already initiated action to recover the dues with reference to the terms and conditions of the contract.

14. Thus, we are of the considered opinion that the interim stay granted would cause certain prejudice to the interest of the students, who are continuing their respective courses in the first respondent institution and therefore, the interim stay granted in order dated 11.05.2022 in C.M.P.No.8633 of 2022 in W.A.No.1351 of 2022 stands vacated and consequently, the C.M.P.No.8633 of 2022 stands dismissed. The parties are at liberty to raise all the grounds at the time of final hearing of the writ appeal.

15. With this liberty, the Civil Miscellaneous petition in C.M.P.No.8825 of 2022 stands allowed.

-sd/-

18/05/2022

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Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
NELSON MANDELA MARG, VASANT KUNJ,
NEW DELHI-110 070.

2 THE DIRECTOR,
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C.C. to M/S.R.GOPINATH, Advocate SR.NO. 4032/2022.

C.C. to M/S.NITHYAESH & VAIBHAV, Advocate SR.NO. 4035/2022.

C.C. to M/S.B.RABU MANOHAR, Advocate SR.NO. 4045/2022.

Order
in
CMP.Nos.8825 and 8633 of 2022

IN WA.No.1351 of 2022

Date :18/05/2022

From 26.2.2001 the Registry is issuing certified
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TP(24/05/2022)