



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.02.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.4357 of 2015 and
MP.Nos.2 and 3 of 2015

Association of Management of Coimbatore
Anna University Affiliated Colleges,
(Registration No.140/2008),
represented by its President,
119, Bhavani Road,
Erode 638 004.

... Petitioner

Vs

1.All India Council for Technical Education,
represented by its Member-Secretary,
7th Floor, Chandralok Building,
Janpath, New Delhi 110 001.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the mandatory requirement as contained in Clauses 1.5 and 1.14 under Chapter VI read with Appendices 5.3 and 10 of the Approval Process Hand Book 2015-2016 issued by the 1st Respondent Council and quash the



same in so far as they relate to the members of the Petitioner Association and directing the Respondents to consider the applications of the members of the Petitioner Association for Approval Process 2015-2016 of the Respondent Council without insisting upon subscription to the e-journals as contemplated in Appendix 5.3 read with Appendix 10 of the Approval Process Hand Book 2015-2016 issued by the Respondent Council.

For Petitioner : Mr.N.Mathivanan
for Mr.Muthumani Doraisami
For Respondents : Ms.M.Meena Rukmani

ORDER

Heard Mr.N.Mathivanan, learned counsel for Mr.Muthumani Doraisami, learned counsel for the petitioner/Association of Management of Coimbatore Anna University Affiliated Colleges and Ms.M.Meena Rukmani, learned counsel for All India Council for Technical Education (AICTE)/respondents.

2.The petitioner challenges the mandatory requirement as contained in Clauses 1.5 and 1.14 under Chapter VI read with Appendices 5.3 and 10 of the Approval Process Hand Book 2015-2016 issued by R1. They further seeking a direction to the respondents to consider the applications of the members for approval without insisting on the aforesaid.

3.An identical prayer was raised in respect of the Approval Process Hand Book for the year 2012-13 which was heard by the Bench in WP.No.29432 of 2011 and connected writ petitions. The following orders was passed by the Bench on 23.02.2018:



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'The petitioners have filed these Writ Petitions, challenging the notification issued by the All India Council for Technical Education (AICTE), whereby and whereupon, the petitioners have been required to purchase e-journals from a particular suppliers/publishers.

2. When these Writ Petitions were taken up for hearing today, the learned counsel appearing for the respondents has invited our attention to the counter affidavit filed by the respondents, in relation to W.P.Nos.29432 and 29593 of 2011, wherein, in para No.10, it is stated that, it is open to the respective Institutions to subscribe for necessary journals, as per the appendix from any source and at any price, as they deem fit and advantageous. Therefore, the learned counsel submitted that, there is no compulsion for the petitioners to opt for particular e-journals from particular suppliers, and it is open to them to choose the e-journals at any source and at any price. At this stage, it would be useful to refer to para Nos. 10 and 11 of the counter affidavit, which reads as follows:-

"I respectfully submit that, the AICTE is particular only about the journals that are required and not about the supplier or the place at which the same may be subscribed by the respective Institution. It is open to the respective Institutions to subscribe for the necessary journals, as per the appendix from any source and at any price as they may deem fit and advantageous. The Expert Committee, which was constituted by AICTE had only enabled the Colleges to have the same subscribed at a subsidized rate. The same does not, in any manner, prevent the Institutions from subscribing for the said journals from any source and at any price.

11. I respectfully submit, the Writ Petitions itself have been filed under a total misconception that AICTE insists that the journals should be sourced only from the named suppliers and only at the price indicated in Appendix in the Approval Process Handbook. I submit that they are only



suggestive and the source or the price is not mandatory." '

4. Recording the stand as extracted in the paragraphs above, the Division Bench closed the writ petition holding that no further adjudication was required in the same. That order has been cited in an order passed on 28.02.2018 in WP.No.33890 of 2012 and similar order passed in respect of the challenge to Approval Process Hand Book 2013-14.

5. In the interest of consistency, the identical order has taken to be passed in the present case as well and this writ petition is closed in light of the order passed in the above writ petitions. No costs. Connected miscellaneous petitions are also closed.

06.02.2023

Index : Yes/No
Speaking Order
Neutral Citation: Yes
vs

To

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represented by its Member-Secretary,
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2. The Regional Officer,
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WP.No.4357 of 2015



Dr.ANITA SUMANTH,J.

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