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W.P. No.20287 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.20287 of 2022

Dr.T. Subramani

... Petitioner

Vs

1. The Secretary,
Ministry of Education,
Government of India,
Department of Higher Education,
127-C,
Shastri Bhawan,
New Delhi – 110 001.

2. The Chairman,
University Grants Commissioner (UGC),
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

3. The Director,
National Assessment and Accreditation Council(NAAC),
Gnananbharathi Main Road,
Opp. National Law School,
Chandra Layout Extension II Stage,
Naagarabhavi,
Bengaluru – 560 072,
Karnataka.



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4. Regional Officer,
All India Council for Technical Education (AICTE),
Southern Regional Office,
“Shastri Bhavan”,
26, Haddows Road,
Nungambakkam,
Chennai – 600 006.

5. State of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai – 9.
Rep. by its Secretary to Government

6. Vinayaka Mission's Research Foundation,
Deemed to be University,
rep. By its
Registrar,
Sankari Main Road (NH47),
Ariyanoor,
Salem – 636 308.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the rejection order of the 3rd respondent in F.N.3-20/2022, dated 18.04.2022 and 04.07.2022 quash the same and direct the respondents 1 to 3 to take appropriate legal action against false and fabricated information submitted by the 6th respondent University and verify the forgery, fabricated and wrong data in the NAAC self-study Report – Cycle 2 (SSR – Cycle 2).



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For Petitioner : Mr.S. Doraiswamy

For Respondents : Mr.A. Kumaraguru for R1
Mr.Rabu Manohar for R2 & R4
Mr.R.Veeramani for R3
Mr.K.M.D. Muhilan,
Addl. Govt. Pleader for R5
Mr.Avinash Wadhwani
for Mr.V. Raghavachari for R6

ORDER

This writ petition has been filed to call for the records relating to the rejection order of the 3rd respondent in F.N.3-20/2022, dated 18.04.2022 and 04.07.2022 to quash the same and consequentially direct the respondents 1 to 3 to take appropriate legal action against false and fabricated information submitted by the 6th respondent University and verify the forgery, fabricated and wrong data in the NAAC self-study Report – Cycle 2 (SSR – Cycle 2).

2. It is stated that the petitioner worked as a Professor cum Head of the Department with the 6th respondent College for the past 31 years i.e., upto 25.02.2022. On the said date, the 6th respondent passed an order,



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thereby his services was terminated and aggrieved over the same, he filed a separate writ petition viz., W.P. No.6318 of 2022.

3. It is further stated that once in five years, the 6th respondent has to submit a Self-Study Report (SSR) – Cycle 2 to the 3rd respondent for evaluating, assessing and declaring the Grade for the said University. However, it is his case that the 6th respondent University has submitted false and fabricated details to the 3rd respondent, which induced the 3rd respondent to declare the Higher Grade on the basis of the said details. It is further averred that the faculty members working at another College viz., Principal and Professor of M/s.Annapoorna Engineering College, Salem, were shown as faculty members of the 6th respondent University in the SSR. Later, he made representation to the 3rd respondent on 26.06.2022 to call for the records in respect of the said Report submitted by the 6th respondent, whereas the same has not been considered in a proper manner. Subsequently, he sent another representation to respondents 1 to 3 on 08.07.2022 seeking not to declare NAAC Self Study Report Cycle -2, which has been submitted by the 6th respondent. However, the respondents



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have not taken any action against the said representation and hence, this writ petition has been filed with the aforesaid prayer.

4. Learned counsel for the petitioner submitted that the 6th respondent University is not having adequate infrastructure facilities for conducting research work and thus, it was found that there was lack of procedural deviation. Further, he vehemently argued that the 6th respondent has furnished false and fabricated details in the Self study report – Cycle 2 stating that A. Anbuchejian and J.Selvi as their faculty members, whereas, it can be seen from the list that the said faculty members have worked in Annapoorana Engineering College during the relevant period. He drew the attention of this Court to relevant statements / list submitted by the 6th respondent as well as Annapoorana Engineering College, Salem to substantiate his claim. He submitted that the petitioner has sent several representations to the respondents, pointing out the aforesaid defects, but without considering the same, the 3rd respondent has passed the impugned rejection order, dated 18.04.2022, which is arbitrary and illegal. He further submitted that in earlier occasion, similarly placed institutions, who have



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furnished false report were black listed from the process of accreditation for a period of five years during reassessment of the Colleges. Hence, he prays consequential direction to the respondents 1 to 3 to cancel the accreditation granted in favour of the 6th respondent. In view of the above, he prays for quashment of the said rejection order of the 3rd respondent, dated 18.04.2022 and 04.07.2022 and for issuance of appropriate directions to the respondents.

5. Per contra, Mr.R. Veeramani, learned counsel for the 3rd respondent submitted that a team of members were nominated to visit the 6th respondent institution to make qualitative assessment and only after Data Validation and Verification process, the approval for Assessment and Accreditation has been accorded to the 6th respondent. Also, he submitted that the said team has not found any forged / manipulated documents at the time of their physical inspection. Further, he submitted that based on the quantitative and qualitative assessment, the results were declared certifying “A” Grade with CGPA 3.13 scores during Cycle – 2 and there is no favouritism to the 6th respondent. He further submitted that after conducting proper



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verification, the 3rd respondent has rightly rejected the claim made by the petitioner and therefore, the same is legally sustainable.

6. Learned counsel further submitted that in the instant case, there was no forged / manipulated documents found at the time of their physical inspection in the 6th respondent University. Since due process was followed and thereafter results were declared, it is impermissible to revoke or withdraw the assessment and accreditations certificate and hence the prayer sought for in this writ petition cannot be granted. On that score, he prays for dismissal of this writ petition.

7. Mr.Rabu Manohar, learned counsel for the 4th respondent submitted that AICTE is not aware of the information furnished by the 6th respondent to the 3rd respondent as the 6th respondent has not sought for any approval from AICTE during the period between 2004 and 2017. Further, he submitted that pursuant to directions issued by the Hon'ble Apex Court on 24.09.2001 in Civil Appeal No.2056 of 1999, AICTE has started seeking



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application for approval from the Institutions Deemed to be Universities from the academic year 2018-19. Hence, he prays for issuance of appropriate directions in the above regard.

8. Denying the allegations made against the 6th respondent, the learned counsel for the 6th respondent mainly argued on the ground that this writ petition is not maintainable as the same has been filed by the petitioner due to dismissal of his services. Further, he submitted that after submission of the Self Study Report, the 3rd respondent has conducted an inspection in the 6th respondent University and scrutinized the relevant documents. Reiterating the contents in the counter affidavit, he argued that the assessment is done as per the evaluation criteria viz., Curricular Aspects, Infrastructure and Learning Resources, Institutional Values, Research, innovations and Extension, Leadership and Management etc., laid out by the NAAC. He also submitted that without producing any documents, the petitioner has made false allegations against the 6th respondent with regard to submission of Self Study Report, which shows the mala fide intention of the petitioner. Further, he submitted that subsequent to misrepresentations



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made by the petitioner, the University Grants Commission and the other authorities have sought for explanation from the 6th respondent and the same was replied by them on 02.08.2022. In view of the above, he prays for mere dismissal of this writ petition with exemplary costs.

9. Heard, learned counsel on either side and perused the materials placed on record.

10. Admittedly, the 6th respondent has submitted their application for Assessment and Accreditation (A & A) along with enclosures before the 3rd respondent. It is not in dispute that earlier, the petitioner worked as Head of Department of Civil Engineering in the 6th respondent institution and later due to some allegations, his services was terminated. Though it is the stand of the petitioner that the 6th respondent / institution has furnished false and fabricated details in the Self Study report – Cycle 2, which is a mandatory enclosure while submitting application for obtaining Accreditation before the 3rd respondent, it is clear from the submissions as well from the records that the 3rd respondent has conducted physical inspection and verification



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and ascertained the facts prior to issuance of such Accreditation. More particularly, the 3rd respondent has stated that assessment has been done by following certain evaluation criteria, viz., Curricular Aspects, Infrastructure, Research and other procedures laid out by the NAAC. The petitioner has not produced any documents to substantiate his claim of false and fabricated document, except for stating that two individuals, who were shown on the rolls of the 6th respondent, on the crucial date, were employed elsewhere. Except for the aforesaid averment, which is also shown in the representation, there is no other material which substantiates the claim of the petitioner. On a cursory glance, it reveals that the petitioner has filed this writ petition on bald and baseless allegations against the 6th respondent / institution. Further, the petitioner has suffered termination from his post at the hands of the 6th respondent, which is also a factor to be taken into consideration while dealing with the claim of the petitioner. In such view of the matter, this writ petition is not maintainable. Further, the 3rd respondent pointing out minor defects on the part of the 6th respondent / institution while furnishing certain details cannot lead to cancellation of the said Accreditation certificate. That being so, the petitioner's stand stating



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that there was suppression of facts which requires blacklisting of institution is wholly preposterous and the same cannot be acceded to by this Court.

11. For the aforesaid reasons, this writ petition is dismissed. No costs. However, it is left open to the petitioner to seek his remedy and to place his grievances at the time of disposal of writ petition in W.P. No.6318 of 2022, which is pending before this Court.

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Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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To

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Government of India,
Department of Higher Education,
127-C,
Shastri Bhawan,
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2. The Chairman,
University Grants Commissioner (UGC),
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