



W.A.(MD)No.610 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.610 of 2012

and

M.P.(MD)No.1 of 2012

1.All India Council for Technical Education,

Rep. by its Member Secretary,

7th Floor, Chanderlok Building, Janpath,

New Delhi-110 001.

2.All India Council for Technical Education,

Rep. by its Regional Officer,

Southern Regional Office,

69, Haddows Road, Chennai-600 006. ... Appellants / Respondents 1&2

Vs.

Sun College of Engineering and Technology,

Rep. by its Chairman C.Thayaparan,

Sun Nagar, Erachakulam, Erachakulam Post,

Kanyakumari District.

... Respondent / Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 02.08.2012 made in W.P.(MD)No.6790 of 2012 on the file of this Court.

For Appellants : Mr.N.Dilip Kumar

For Respondent : No Appearance

JUDGMENT

(Judgment of the Court was delivered by ***R.SURESH KUMAR, J.***)

This Writ Appeal is directed against the order passed by the Writ Court dated 02.08.2012 made in W.P.(MD)No.6790 of 2012.

2.Before the Writ Court, Clause 3(1)(d) of Chapter II of the Approval Process Hand Book (2012-2013), as reiterated by the paragraph Nos.4 and 5 of the notifications dated 31.03.2012 and 12.04.2012 issued by the 1st respondent / 1st appellant herein (AICTE) was sought to be declared as invalid and unenforceable in law.

3.The learned Single Judge, who heard the said Writ Petition by the impugned order dated 02.08.2012 allowed the Writ Petition.



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4. Aggrieved over the same, the appellants preferred this intra-court appeal.

5. We have heard the learned counsel for the appellants, who would submit that, in fact two Writ Petitions were filed, one is for the present relief and another one is for consequential relief, where Mandamus sought for to process the approval application submitted by the College concerned unmindful of the aforestated clause, which was in fact allowed by the Writ Court. As against which, W.A.(MD)No.448 of 2012 was filed by the AICTE, which was allowed by the Division Bench of this Court on 29.06.2012.

6. He would further submit that, insofar as the approval process handbook is concerned, every year such kind of handbooks are being issued. The notification in question was related to the academic year 2012-2013, wherein certain clause was under challenge and the same was declared to be unenforceable through the impugned order.



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7.However, subsequently, further approval process handbooks were issued from time to time by AICTE, which have been in vogue insofar as the academic year covering under the said approval process handbooks.

8.When that being the position, whether academically the question raised in this Writ Appeal has to be decided or the Writ Petition can be disposed of by giving liberty to AICTE to agitate the issue in future, in case the declaration that has been made through the impugned order dated 02.08.2012 is shown as precedent by any stock holders against AICTE to have a similar provisions in the future notification also.

9.We have considered the said submissions made by the learned counsel for the appellants and since there has been no representation for the respondent College, we feel that since this Writ Appeal is pending for more than a decade, we can give a quietus to this issue by disposing this Writ Appeal.

10.As has been pointed out by the learned counsel for the appellants, it is an academic question to be decided. Since subsequent



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years, years-wise approval process handbooks had been issued from time to time by AICTE, those notification in the particular year for which it was issued, only covers the processing of application for approval or extension of approval by technical institutions for that year/s governed under AICTE Act. The declaration even though has been made by the impugned order of the Writ Court dated 02.08.2012, the same shall not be treated as a precedent in any future cases of similar challenge, if in case in future it is made at the instance of any aggrieved party with regard to approval process handbook of that year concerned. Therefore, we feel that this Writ Appeal can be closed, as no further adjudication is required to academically decide whether the order passed by the Writ Court is justified or not at this juncture. Accordingly, this Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) & (K.K.R.K, J.)

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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