



W.P.No.14128 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14128 of 2021

St.Joan's Educational Trust
Established and Administering
P.S.V.College of Engineering and Technology
Mittapalli, Balinayanapalli (Post),
Elathagiri (S.O), Krishnagiri District – 635 108.
represented by Managing Trustee
Dr.P.Selvam

...Petitioner

-Vs-

1. The Member Secretary,
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi – 110 070.
2. Adviser-II (AB),
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi – 110 070.
3. The Registrar,
Anna University, Sardar Patel Road,
Chennai – 600 025.
4. The Commissioner,
Directorate of Technical Education,
Guindy, Chennai – 600 025.

...Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for records of the Impugned order passed by the first respondent signed by the second respondent in F.No.AICTE/AB/AID 1- 9318220446 dated 29.06.2021 received vide e-mail dated 30.06.2021 quash the same and direct the first respondent, AICTE to grant approval for merger of institutions for academic year 2021 -22 without insisting on no objection certificate from the 3rd and 4th respondent.

For Petitioner	: Mr.D.Prabhu Mukunth Arunkumar
For R1 and R2	: Mr.B.Rabu Manohar, SPC
For R3	: M/s Meenakshi Sundaram
For R4	: Mr.R.Neethiperumal
	Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first and second respondents dated 29.06.2021, thereby rejected the request made by the petitioner to grant approval for merger of institution from the academic year 2021-2022 without insisting No Objection Certificate from third and fourth respondents herein.

2. Heard the learned counsel on either side and perused the materials available on record.



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3. The petitioner is a Trust and administering P.S.V College of Engineering and Technology imparting Degree and Post Graduate courses in Engineering, Management and P.S.V Polytechnic College imparting Diploma Courses in Engineering. P.S.V College of Engineering and Technology has been approved and affiliated by the third respondent herein. P.S.V.Polytechnic College has been approved and affiliated by the third and fourth respondents herein. In the year 2020, the first respondent had introduced merger of institutions under the same Trust/Society/Company operating in the same campus from the academic year 2020-2021. It is also clarified that the merger of institution means if a Trust administers two or more institutions in the same campus imparting education relating to Engineering and Technology can merge with one College/Institution (Parent Institution/College) the other existing Institutions/Colleges called Child Institutions complying with the infrastructural and instructional facilities as per the approval process of the first respondent. Accordingly, the petitioner made an application on 11.03.2021 for Extension, Expansion and Closure of child institutions to merge with the parent institution.



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4. As per the scrutiny valuation report dated 05.06.2021 of the first respondent, there is no infrastructural and instructional deficiency. Further, re-scrutiny valuation report dated 11.06.2021 also reported no deficiency. Further, as per the Approval Process Handbook, condition at 2.10 read with appendix 17.4 one of the documents which referred to is No Objection Certificate from affiliating University/Board in format 2. In order to comply the said requirement, the petitioner had submitted a representation to the third respondent which is an affiliated University for degree and Post Graduate course to grant No Objection Certificate for merger of Institution. The petitioner also made request before the fourth respondent which grants affiliation of Diploma course for grant of No Objection Certificate for merger of institution. However, the third respondent by its communication dated 27.04.2021, stated that it does not give No Objection Certificate for merger of polytechnic College with Engineering College. Insofar as the fourth respondent is concerned, so far No Objection Certificate has not been issued and the request is pending.



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5. The learned counsel for the petitioner would submit that the third and the fourth respondents have not framed any guidelines in line with the National Educational Policy 2020 read with Approval Process Handbook 2021-22 of the first respondent for grant of No Objection Certificate for merger of institutions. Therefore, the third respondent clearly stated that it does not give No Objection Certificate for merger of two institutions. Therefore, the third and fourth respondents do not give No Objection Certificate for merger of institutions.

6. The learned counsel for the first and second respondents filed counter and submitted that on merger of institute, the course of Child institution i.e., diploma/UG/PG will be shifted to parent institution and in case the same course exists in the parent institution, it shall be merged as a single course with combined intake of both the Institutions at same programme/level/course. The child institute shall have to specify the courses to be merged with parent institution. The parent institution is running 13 UG/PG courses in Engineering and Technology in the academic year 2021-2022. However, the child institution which is



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proposed to be merged with the parent institution, is running 4 diploma courses in Engineering and Technology. In case of merger allowed, the parent institute has to run totally 17 courses i.e. 13 UG/PG course and 4 Diploma courses. Therefore, there is no ambiguity in running Diploma and UG/PG courses in single institute with different affiliating bodies.

7. Admittedly, the third and fourth respondents do not have any guidelines in line with the National Educational Policy 2020 read with Approval Process Handbook 2021-22, on the file of the first respondent for grant of No Objection Certificate for merger of institutions. Therefore, the third respondent without denying the request made by the petitioner simply stated that it does not give No Objection Certificate for merger of institutions. Therefore, the fourth respondent also did not give any No Objection Certificate on the request made by the petitioner for merger of institution.

8. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the impugned order passed by



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the first respondent signed by the second respondent in F.No.AICTE/AB/AID 1- 9318220446 dated 29.06.2021 received vide e-mail dated 30.06.2021, is hereby quashed. The first and second respondents are directed to grant approval for merger of institutions from the academic year 2024-2025 onwards for merger of petitioner's institutions viz., P.S.V College of Engineering and Technology and P.S.V Polytechnic College, without insisting No Objection Certificate from the third and fourth respondents herein, within a period of four weeks from the date of receipt of a copy of this order.

9. Accordingly, this writ petition is allowed. There shall be no order as to costs.

25.04.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

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All India Council for Technical Education,
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Vasant Kunj, New Delhi – 110 070.
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