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W.P.No.46139 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.46139 of 2025

and

W.M.P. Nos.51459, 51460, 51461 of 2025

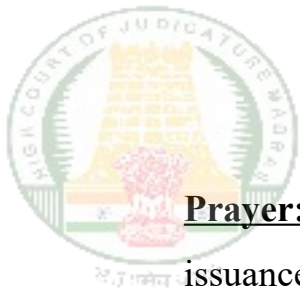
Theivanai Institute of Business Management,
Managed by ESSK Educational Charities,
Represented by its Chairman,
No.180, 2nd Street ADL Nagar,
Salamedu, Villupuram – 605 403.

... Petitioner

Vs

1. All India Council for Technical Education,
Represented by its Member Secretary,
Nelson Mandela Marg,
Vasant Kunj,
New Delhi – 110 070.
2. The Commissioner,
The Directorate of Technical Education,
DOTE Campus,
53, Sardar Patel Road,
Guindy,
Chennai – 600 025.
3. The Registrar,
Anna University,
No.12, Sardar Patel Road,
Anna University,
Guindy, Chennai – 600 025.

... Respondents



W.P.No.46139 of 2025

Prayer: Writ Petition filed under Article 226 of Constitution of India for an issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Letter No.766/J1/2025-2 dated 11.11.2025 and quash the same as illegal and consequently direct the 2nd and 3rd respondents to regularize the admission of the students admitted under 50% Government quota for the academic year 2025-2026 in the petitioner institute.

For Petitioner : Mr.K.M.Vijayan
Senior Counsel
for M/s.K.M.Vijayan Associates
For Respondents : Mr.A.Selvendran
Special Government Pleader for R2
: Mr.U.Bharanidharan for R3
(Anna University)
: Ms.V.Sudha for R1 (AICTE)

ORDER

The writ petition is filed with a prayer to issue a writ of certiorarified mandamus calling for the records on the file of the 2nd respondent relating to the Letter No.766/J1/2025-2 dated 11.11.2025 and quash the same and consequently to direct the 2nd and 3rd respondents to regularize the admission of the students admitted under 50% Government quota for the academic year 2025-2026 in the petitioner/institution and for other orders.

2. Heard, *Mr.K.M.Vijayan*, learned Senior Counsel appearing on behalf of the petitioner / institution and perused the affidavit filed in support of the writ petition and material records of the case.



W.P.No.46139 of 2025

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3. The grievance of the petitioner seems to be that the petitioner is an institution with 35 years in the field of Arts and Science College. The petitioner applied for approval for the MBA course for the academic year 2024-2025, with the intake capacity of 60 students per year. The approval was granted only on 25.06.2024. and therefore, no admission was made for the year 2024 – 2025. As far as the year 2025 – 2026 is concerned, when the petitioner institution wanted to start the process of admission, while the admission schedule for the current programme started in the month of May and the unfilled vacancies counseling finally ended up on 11.08.2025, unfortunately in respect of the petitioner, in the process of certain administrative compliance etc., the institution code was allotted only by an order dated 16.09.2025, by the time the counseling was over and no students could be allotted under the Government quota. Therefore, the petitioner apart from filling up the 30 seats of its management quota, also had filled up the quota meant for the Government students, by admitting 25 students. Now, when approval was sought for the admissions, the authorities have by the impugned order replied that they will approve the 30 students who are accommodated under the management quota and will not approve the admission for the balance 25 students. Since all the 55 students are undergoing the course and they would be put to grave prejudice, the institution after



W.P.No.46139 of 2025

creating all the infrastructure would also be prejudiced, the learned senior Counsel would point out that it is not entirely a mistake on the part of the petitioner but there were administrative delays at several points in time and only because of the same, the counseling schedule preceded the allotment of the code to the petitioner institution and therefore, the respondents cannot delay approval in respect of the other 25 students.

4. Per contra, *Mr.A.Selvendran*, learned Special Government Pleader appearing on behalf of the 2nd respondent would submit that the educational institution has to follow the norms strictly. When an intake of 60 students have been sanctioned and when permission is granted only to fill up 30 students by way of management quota, even if the time has elapsed, the management ought not to have filled the balance 25 students. Even now, in order to alleviate the difficulties for the welfare of the students, the students can be transferred to some other institutions, where the approved limit is there and they can be permitted to write the examination. The violation of the approved intake and taking excess admission, would invite penal action, as per AICTE norms and this Court cannot grant any approval either directly or indirectly, in respect of the same.



W.P.No.46139 of 2025

WEB COPY

5. The respective learned Standing Counsels appearing on behalf of the Anna University and AICTE would also argue on the same lines.

6. I considered the rival submissions made on either side and perused the material records of the case.

7. It is true that the petitioner institution could have avoided admitting the excess students. The argument that every seat is also a national resource may be so, but the institution should have been careful enough to move the respondents or the Court in advance before it admitted the students. Be that as it may, the Directorate of Technical Education in respect of MBA / MCA admissions, for the academic year 2025 – 2026, had published schedule of events as per which it can be seen that the entire process commenced on 05.06.2025 and the end of counseling was on 11.08.2025. Factually also, it is represented before this Court that the counseling ended on 11.08.2025. However, it can be seen that only by a communication dated at 16.09.2025, the Office of the Controller of Examination, Anna University had finally allotted the institution code to the petitioner institution as '4230', and the username and the password was also granted to the said institution. Therefore, even though the institution got the approval in the previous academic year



W.P.No.46139 of 2025

itself, the fact that it was not in a position to fill up the entire intake of 60 seats in the second year, is also taken into account. Though the telescoping or the adjustment of seats have been deprecated and the institutions normally should not be permitted to exceed their quota, considering the unique circumstances that prevailed; considering the fact that the seats are have gone abegging and even the entire seat of 60 is not filled up with reference to the MBA course; considering the very peculiar nature of the course and the submission that is made that there is also not much fee difference between the Government quota and the management quota, in the context of the MBA courses; and in the context of the petitioner / institution getting approval in the last year itself (2024-2025); and we are in the second year ie., 2025-2026, I am inclined to adopt the approach to resolve the impasse by ordering that in respect of the excess that is committed by the petitioner by admitting 25 students meant in the Government quota, in the ensuing year, the Government will be entitled to allot 55 students instead of 30 students and the same can be addressed accordingly. Needless to mention that after the allotment of 55 students by the Government, if any student has not joined and the seat remaining vacant, thereafter the management can fill up by its own quota and the other 5 seats can be filled up by the management for the academic year 2026 - 2027.



W.P.No.46139 of 2025

8. With the aforesaid directions, the impugned order dated 11.11.2025 on the file of the 2nd respondent is set aside, inasmuch as it denies the approval for the 25 students admitted by the petitioner / Institute. The authorities are directed to grant approval and do the needful, so that the students shall continue the education and take up their examinations. It is brought to the notice of this Court that on account of the interim order of this Court, the students have already taken the practical examinations. Therefore, the same shall be duly valued and it shall be taken into account in accordance with the rules and procedure. The Authorities shall act on the web copy of the order without waiting for the certified copy of the order.

9. The Writ Petition stands ordered, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

10.12.2025

(2/2)

Note: Issue order copy by 11.12.2025 and upload forthwith.

Neutral Citation: Yes/No
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W.P.No.46139 of 2025

To

1. All India Council for Technical Education,
Represented by its Member Secretary,
Nelson Mandela Marg,
Vasant Kunj,
New Delhi – 110 070.

2. The Commissioner,
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