

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 31ST MARCH 2011 / 10TH CHAITHRA 1933

WP(C).No. 35855 of 2009(B)

PETITIONER(S):

E.MOHAMMED THAHA,CHAIRMAN, P.A.AZIZ
COLLEGE OF ENGINEERING AND TECHNOLOGY,
KARAKULAM, THIRUVANANTHAPURAM.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENT(S):

1. UNIVERSITY OF KERALA, REPRESENTED BY
ITS REGISTRAR, THIRUVANANTHAPURAM.
2. ALL INDIA COUNCIL FOR TECHNICAL
EDUCATION, 7TH FLOOR, CHANDERLOK
BUILDING, JANPATH, NEW DELHI.

ADV. SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY. FOR R1
SRI.MILLU DANDAPANI FOR R2
SRI.S.KRISHNAMURTHY,SC, AICTE FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31/03/2011, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

EXHIBITS

EXT.P1-	COPY OF THE PROFILE
EXT.P2-	COPY OF THE ORDER OF AICTE
EXT.P3-	COPY OF THE LETTER OF THE PETITIONER
EXT.P4-	COPY OF THE LETTER OF THE PETITIONER
EXT.P5-	COPY OF THE APPLICATION OF THE PETITIONER
EXT.P6-	COPY OF THE LETTER OF THE 1ST RESPONDENT
EXT.P7-	COPY OF THE BILLS OF PURCHASE OF BOOKS
EXT.P8-	COPY OF THE PHOTOGRAPH
EXT.P9-	COPY OF THE PHOTOGRAPH
EXT.P10-	COPY OF THE PHOTOGRAPH
EXT.P11-	COPY OF THE PHOTOGRAPH
EXT.P12-	COPY OF THE PHOTOGRAPH
EXT.P13-	COPY OF THE PHOTOGRAPH
EXT.P14-	COPY OF THE PHOTOGRAPH

(TRUE COPY)

P.A TO JUDGE

P.R.RAMACHANDRA MENON, J

.....
W.P.(C).35855/2009

.....
Dated this the 31st day of March, 2011

JUDGMENT

Petitioner has approached this Court with the following prayers.

(i). quash Ext.P4 letter which is issued consequent to the decision of the Syndicate on 29.4.2009 by the issue of a writ of certiorari or such other writ or order or direction.

(ii). Direct the 1st respondent to grant affiliation to the additional intake of 60 students in B.Tech Electronics and Communication course for the academic year 2009-10 by considering Ext.P4 application forthwith by the issue of a writ of mandamus or such other writ or order or direction.

2. Obviously the challenge is against Ext.P6 whereby the request made by the petitioner has been turned down due to lack of required infrastructure with respect to the requisite lab equipments and laboratory books. The learned counsel for the petitioner submits that the said

observation is wrong and perverse in all respects and that the petitioner has produced all the requisite materials including the proof as to the infrastructure provided, with reference to Exts.P7 to P14.

3. The learned Standing Counsel for the University submits that the University was not in a position to consider the request for the fact that the petitioner had not obtained approval of AICTE in respect of the year 2009-2010, for the additional intake of the students for the subjects Electronics and Communication. It is further conceded that the petitioner has subsequently preferred Ext.P15 whereby such approval has been granted by the AICTE, which is the competent authority to issue the same, whereby the mistake in Ext.P2 was corrected referring to the approval granted in the year 2010-2011 which naturally takes in the approval also in respect of previous year 2009-2010. The position is stated as correct by the learned Standing Counsel appearing for the AICTE as well. In the said circumstances, the remaining issue is whether the petitioner has sought for any affiliation of the University. Learned Standing

Counsel submits that the petitioner has not so far filed any application for affiliation and in the said circumstances, University is not liable to be blamed and that the petitioner was simply proceeding with the steps of admitting students without getting affiliation.

4. In response to the said submission, the learned counsel for the petitioner submits that the University has permitted the students to appear for the examinations by collecting necessary fees and that they have appeared for the examinations as well. It is further stated that the petitioner is ready and willing to file necessary application before the University in respect of the year 2009-2010 to be followed by the subsequent year as well within a couple of days; simultaneously curing the other defects also pointed out in Ext.P6.

5. In the above circumstances, petitioner is set at liberty to cure the defects pointed out in Ext.P6 and file necessary application for affiliation before the University forthwith; on which event, the same shall be considered by the University, in the particular circumstances,

including the factum of permission given to the students to appear for the examinations. Appropriate orders shall be passed in accordance with law, as expeditiously as possible, at any rate, within one month.

Writ petition is disposed of as above.

P.R.RAMACHANDRA MENON,
Judge

mrscs