

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 29TH DAY OF JUNE 2018 / 8TH ASHADHA, 1940

WP(C).No. 21340 of 2018

PETITIONER(S)

M/S.P.A.AZEEZ COLLEGE OF ENGINEERING & TECHNOLOGY
GREEN HILLS, KARAKULM, THIRUVANANTHAPURAM- 695 564,
REPRESENTED BY ITS CHAIRMAN CUM MANAGING TRUSTEE,
MOHAMMED THAHA, AGED 60, S/O. P.A.M. ABOOBAKER,
RESIDING AT FLAT NO.4A, SFS ICON, SREERANGAM LANE,
SASTHAMANGALAM, THIRUVANANTHAPURAM - 695 010.

BY ADVS.SRI.R.T.PRADEEP
SMT.M.BINDUDAS
SRI.K.C.HARISH

RESPONDENT(S) :

1. APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
MBA BLOCK, CET CAMPUS,
THIRUVANANTHAPURAM - 695 016.
2. REGISTRAR,
APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY,
MBA BLOCK, CET CAMPUS,
THIRUVANANTHAPURAM - 695 016.
3. COMMISSIONER FOR ENTRANCE EXAMINATIONS,
OFFICE OF THE COMMISSIONER FOR ENTRANCE
EXAMINATIONS, HOUSING BOARD BUILDING,
THIRUVANANTHAPURAM - 695 001.

R1 & R2 BY ADV. SRI.S.KRISHNAMOORTHY, S.C
R3 BY GOVERNMENT PLEADER SRI.P.G.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2018, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

Msd.
29.06.2018

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE APPROVAL DATED 10.4.2017 FOR THE ACADEMIC YEAR 2017-2018 BY AICTE.
- EXHIBIT P2. TRUE COPY OF THE APPROVAL DATED 27.4.2018 FOR THE ACADEMIC YEAR 2018-19 BY AICTE.
- EXHIBIT P3. TRUE COPY OF THE ORDER DATED 15.5.2017 AS REGARD PROVISIONAL AFFILIATION FOR THE ACADEMIC YEAR 2017-2018 FOR THE COLLEGE BY 1ST RESPONDENT.
- EXHIBIT P4. TRUE COPY OF ORDER DATED 31.7.2017 GRANTING NO OBJECTION CERTIFICATE TO RESUME THE FUNCTIONING OF COLLEGE.
- EXHIBIT P5. TRUE COPY OF DETAILS OF THE FIXED DEPOSIT DATED 20.6.2018 WITH CANARA BANK.
- EXHIBIT P6. TRUE COPY OF NOTICE DATED 8.5.2018 ISSUED BY THE 1ST RESPONDENT UNIVERSITY.
- EXHIBIT P7. TRUE COPY OF ORDER DATED 15.5.2018 DECLINING PROVISIONAL AFFILIATION FOR THE COLLEGE.
- EXHIBIT P8. TRUE COPY OF NOTICE DATED 5.4.2010 BY K.S.E.B.
- EXHIBIT P9. TRUE COPY OF NOTICE DATED 10.5.2018 FOR ONE TIME SETTLEMENT BY K.S.E.B.
- EXHIBIT P10. TRUE COPY OF ORDER DATED 19.6.2018 BY WHICH INSTALMENT FACILITY EXTENDED TO PETITIONER BY K.S.E.B.
- EXHIBIT P11. TRUE COPY OF COMMUNICATION DATED 25.6.2018 AS REGARD RESTORATION OF ELECTRIC SUPPLY FROM K.S.E.B TO 2ND RESPONDENT.
- EXHIBIT P12. TRUE COPY OF THE AFFIDAVIT DATED 31.7.2017 BEFORE GOVERNMENT.
- EXHIBIT P13. TRUE COPY OF COMMUNICATION DATED 25.6.2018 ENUMERATING THE DETAILS OF PAYMENT TOWARDS INTEREST FREE REFUNDABLE DEPOSIT OF STUDENTS AND SALARY OF TEACHING AND NON-TEACHING STAFF.

RESPONDENT(S) ' EXHIBITS : NIL

//TRUE COPY//

P.S.TO JUDGE

Msd.
29.06.2018

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21340 of 2018

Dated this the 29th day of June, 2018

JUDGMENT

The petitioner has been denied affiliation for the academic year 2018-2019 to start various programmes in Engineering on account of the fact that the college has no power supply and some of the students raised a complaint regarding refund of fees. The Appeal Committee rejected it on 15.5.2018. This was affirming a report of the Expert Visit Committee pointing out certain deficiencies on 8.5.2018. It is to be noted that the petitioner was conducting engineering programmes from 2003 onwards and on account of certain deficiencies, AICTE withdrawn the approval and thereafter, it was restored.

2. The petitioner submits that they were using generator and they were taking steps to restore the electric supply as well. Subsequently, it was restored.

3. The learned Standing Counsel refers to the judgment of the Hon'ble Supreme Court in **Parshvanath Charitable Trust and Others v. All India Council for Technical Education [(2003) 3 SCC 385]** and submits that the University has to follow strictly the time schedule fixed therein for granting approval. It is to be noted that the University has erroneously rejected the application on the last date. Therefore, that will not preclude from this Court from interfering with such decision and restore the rights of the petitioner as stood as on the cut of date.

4. This Court is of the view that the University could not have refused affiliation on this ground especially when AICTE has granted approval. The second objection was also not relevant without specifically identifying the complaint of the students in regard to the refund of fees. Anyhow, those could not have any bearing on granting

affiliation. Therefore, Ext.P7 order is set aside. The University is directed to grant affiliation to the petitioner within one week from the date of receipt of a copy of this judgment. If the petitioner produces consent or order of affiliation, the Commissioner of Entrance Examination shall include the petitioner for further allotment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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