

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

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MA/9/2022
IA No.CAN/1/2022
IA No.CAN/2/2022
IA No.CAN/6/2022
IA No.CAN/8/2022
IA No.CAN/9/2022
IA No.CAN/10/2022

Pondicherry University and others
vs.
The Andaman and Nicobar Administration and others

Mr. Rajinder Singh ... for the appellants
Mr. Tulsi Lall ... for the respondent No.4,5,&6
Mr. Arul Prasanth ... for the added respondent

December 12, 2022
[SR]
Item No.22

Despite specific order dated 22nd November, 2022, passed by a Coordinate Bench, the Joint Secretary, Ministry of Human Resource Development, Govt. of India is not present before this Court.

Counsel for the Ministry submits that the affidavit prepared by them and sent by email is insufficient to address the queries of this Court. There is substance in such submission.

By a letter dated 28th October, 2014, The Director, Ministry of Human Resource Development, Technical Section -II approved the upgradation of Dr. B.R.Abedkar Government Polytechnic to an engineering college in terms of the norms of AICTE. The Pondicherry University was directed to grant affiliation to Dr.B.R.Ambedkar

Institute of Technology (DBRAIT), Port Blair. The Pondicherry University was not consulted or taken into confidence.

It is clear and evident that the Director, Technical Section-II, MHRD had completely by-passed the due process of law and the rules of the Pondicherry University for granting recognition to colleges.

It cannot be over emphasized that the students and the DBRAIT may have relied upon the communication of the Director to believe that the affiliation of the Pondicherry University has been given and will continue, irrespective whether any rules or requirements of the Pondicherry University have been fulfilled.

In substance, the conditions of the University for affiliation of an engineering college were never required to be and never fulfilled by the DBRAIT.

Upon the matter being pursued, the Under Secretary of the Department of Education, Government of India by letter dated 12th May, 2021 had washed his hands off the matter stating that matters of affiliation are governed by the statute of the University. It was sated that the Ministry of Human Resource Development has no role to play in the matter. By this time however a number of students came to be admitted. The A & N

Administration did not appoint staff and professors. Polytechnic students and the Maharashtra State Board Technical Education (MSBTE) started to get lateral admission in Engineering Courses at the DBRAIT without any authority or rule.

A full racket appears to be unfolding before this Court. Students started flowing into the DBRAIT not knowing that its affiliation was not formally granted by the Pondicherry University. The standards of the University were not followed. The quality of instruction is wholly suspect. The students having spent a good amount of money to get admission are in the lurch. Their future is uncertain if not doomed.

In the above circumstances, this Court is of the clear view that the earlier Bench had wanted to know, under what circumstances, the letter dated 28th October, 2014 was written to the Vice Chancellor of Pondicherry University.

The absence of the Joint Secretary, Ministry of Education is equally curious. There is a specific direction for him to be personally present in Court with the records to assist the hearing of the matter and to decide the fate of the students who had already admitted. The ongoing parliamentary session cannot stand in the way of the Secretary's presence.

This Court has no option but to issue a warrant of arrest on the Joint Secretary, Ministry of Human Resource Development, Government of India to be present in Court on Monday (19.12.2022). The warrant shall be executed by the Andaman and Nicobar Police in coordination with the Delhi Police.

If, however, the Joint Secretary, is present on his own, the warrant need not be executed. If flights are not available, appearance may be caused virtually.

The DBRAIT shall forthwith and immediately cease and desist from receiving and admitting any fresh students in any engineering course for the year 2022-2023. The fate of the students, who have already admitted, shall abide by the result of the appeal.

List this matter on Monday (19.12.2022) under the same heading.

(Rajasekhar Mantha, J.)

(Bibhas Ranjan De, J.)