

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE**

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WA.No. 2465 of 2015 ()

AGAINST THE ORDER IN WP(C) 26424/2015 DATED 29-09-2015

APPELLANTS/RESPONDENTS 2 TO 4 :

- 1. MAHATMA GANDHI UNIVERSITY
PRIYADARSINI HILLS P.O., KOTTAYAM-686560
REPRESENTED BY REGISTRAR.**
- 2. THE REGISTRAR
MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS P.O.
KOTTAYAM-686560.**
- 3. THE SYNDICATE
MAHATMA GANDHI UNIVERSITY
REPRESENTED BY VICE CHANCELLOR
MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS P.O.
KOTTAYAM-686560.**

**BY ADVS.SRI.VARUGHESE M.EASO, SC
SRI.VIVEK VARGHESE P.J., SC**

RESPONDENTS/PETITIONER & RESPONDENT NOS. 1 AND 5 :

- 1. MES-AIMAT
MES ADVANCED INSTITUTE OF MANAGEMENT AND TECHNOLOGY
MARAMPALLY, ALUVA, REPRESENTED BY ITS DIRECTOR
PIN – 683 107.**
- 2. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT, GOVT. SECRETARIAT
THIRUVANANTHAPURAM-695 001.**

3. THE DIRECTOR OF TECHNICAL EDUCATION
OFFICE OF THE DIRECTOR OF TECHNICAL EDUCATION
PADMAVILASAM ROAD, THIRUVANANTHAPURAM-695 023.

R1 BY ADVS. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.P.U.VINOD KUMAR
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR

R2 & R3 BY SR. GOVT. PLEADER SRI. P.I. DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.A.No.2465 of 2015

Dated this the 17th day of November 2015

J U D G M E N T

Shaffique, J

This appeal is filed by the 2nd respondent University and its Officers challenging the interim order dated 29/09/2015 in W.P.C.No.26424/2015.

2. The writ petition was filed by the 1st respondent herein seeking for a direction to the appellants to issue extension of affiliation to the petitioner College for MCA Lateral Entry Course for the Academic Year 2015-2016. It is inter alia contended that during the Academic Year 2014-2015 also, there was delay on the part of the University in granting affiliation despite the fact that the petitioner institution had recognition from AICTE for conducting the course. By judgment dated 01/04/2015 in W.P.C.No.9247/2015, the learned Single Judge of this Court directed the Syndicate to take a decision regarding affiliation within a period of two months from the date of the judgment. Pursuant to that, provisional affiliation has been granted by the University. It is contended that when an application was submitted for affiliation during the year 2015-2016, same had

been rejected by Ext.P8. The learned Single Judge, by the impugned order, directed the appellants to grant provisional affiliation for MCA (Lateral Entry) Course for the academic year 2015-2016. It was also mentioned that the writ petitioner shall be permitted to admit students to the course and that, of course, will be subject to the result of the writ petition. Since the learned Single Judge had already exercised his discretion to direct the appellants to grant provisional affiliation, we do not think that any illegality has been brought out to interfere with the said interim order. It is always open for the appellants to seek for an early hearing of the writ petition. It is relevant to note that even during the previous academic year, directions have been issued by this Court as per the judgment dated 01/04/2015 in W.P.C.No.9247/2015. Under such circumstances, we do not think that we should exercise the appellate jurisdiction to interfere with the interim order.

With the above observation, this writ appeal is dismissed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/17/11/2015