

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C) .No. 7954 of 2009 (L)

PETITIONER(S) :

THE MANAGER,
ST. JOSEPH'S COLLEGE, MOOLAMATTAM, ARAKULAM-P.O.
IDUKKI DISTRICT.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENT(S) :

M.G.UNIVERSITY,
REPRESENTED BY THE REGISTRAR, KOTTAYAM.

BY SRI. T.A. SHAJI, SC, M.G.UNIVERSITY
BY SRI.VARUGHESE M.EASO, SC, M.G. UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXHIBIT P1: COPY OF THE APPLICATIONS GIVEN TO THE UNIVERSITY.

EXT.P2: COPY OF THE COMMUNICATION NO.AC.A1/1/1182/2003 DATED 2.7.2003.

EXT.P3: COPY OF THE ORDER NO.AC.A1/1/4304/06 DATED 5.4.06.

EXT.P4: COPY OF THE COMMUNICATION DATED 31.5.2006.

EXT.P5: COPY OF THE LETTER DATED 31.1.2008.

EXT.P6: COPY OF THE APPLICATION DATED 30.1.2009.

EXT.P7: COPY OF THE JUDGMENT IN W.A.2122/08 DATED 28.10.2008.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

SKV

C.K.ABDUL REHIM, J

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W.P.(C). No.7954 OF 2009

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Dated this the 9th day of January, 2015

JUDGMENT

The petitioner is the Manager of a College having affiliation with the respondent University, conducting courses both in the aided and unaided sector. Issue agitated in this writ petition is with respect to granting of affiliation for the new courses applied viz., M.Com (Management), Master of Tourism Administration (MTA) and Bachelor in Health Club and Fitness Management. It is stated that, based on the applications submitted by the petitioner, requisite inspections were conducted and the committee concerned had recommended for sanction of the courses. With respect to the course of M.Com (Management) the University had forwarded Ext.P2 letter stating that the Government was addressed to get their views in sanctioning the course. With respect to the courses of Master of Tourism Administration and Bachelor in Health Club and Fitness Management the Inspection Committee had recommended for sanctioning the courses as per Ext.P3, in

the self financing sector. There also, the University had written to the Government seeking their views, as evidenced from Ext.P4 letter. But nothing transpired thereafter. The Government have not expressed their views nor the University had considered the question regarding granting of affiliation. It is stated that the applications were renewed for the subsequent academic years, since the courses could not be commenced, as evidenced from Exts.P5 and P6. The petitioner relies on the observations made by this court in the judgment in W.P.(C) No.18774/2007 with respect to the procedure to be adopted in sanctioning self financing courses. Since no decision was taken by the University in the matter, the petitioner is approaching this court seeking necessary directions.

2. In the counter affidavit filed by the respondent it is mentioned that the application for M.Com Course was renewed by the petitioner in the years 2005–2006 and 2008–2009. It is also stated that a fresh application for Bachelor in Health Club and Fitness Management was submitted during 2006–07. It is further stated that

Syndicate of the University in its meeting held on 12.2.2009 had resolved to process all the applications submitted before 31.1.2009 by conducting inspection, only at the time when the Syndicate of the University decides to start new courses in the affiliated colleges and new colleges in the University area ensuring infrastructure facilities. It also further resolved that the applicants need not remit any additional amount or submit any fresh application for the above courses.

3. In view of the above statement this court is of the opinion that the applications of the petitioner for sanctioning affiliation for new courses need to be considered depending on policy of the respondent University. Learned counsel for the petitioner conceded that they are prepared to conduct all the 3 courses for which the applications are pending, on a self financing basis (as unaided courses).

4. Therefore, interest of justice would be achieved by directing the University to consider the applications and take a decision with respect to granting of the courses for

the next academic year, depending on the policy of the University.

5. Hence this writ petition is disposed of by directing the respondent University to take appropriate decision with regard to granting of affiliation for the new courses applied for by the petitioner under the self finance sector (unaided Sector), taking into consideration of the prevailing policy of the University in the matter of granting affiliation to new courses. A decision in this regard shall be taken at the earliest possible, at any rate within a period of 4 months from the date of receipt of a copy of this judgment.

C.K.ABDUL REHIM, JUDGE.

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