

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 10157 of 2010 (T)

PETITIONER(S):

**M/S. VIDYA BHARATHI INSTITUTE OF
MANAGEMENT AND TECHNOLOGY, MANATH TOWERS,
SOUTH KALAMASSERY, KOCHI - 682 033, REP. BY
CHIEF PATRON N.A.MOHAMMEDKUTTY.**

**BY ADVS.SRI.KKM.SHERIF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.R.REKESH**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT, HIGHER EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE MAHATHMA GANDHI UNIVERSITY,
REP. BY ITS REGISTRAR, PRIYADARSHINI HILLS.P.O, KOTTAYAM.**
- 3. THE UNIVERSITY OF CALICUT,
REP. BY ITS REGISTRAR, CALICUT UNIVERSITY.P.O, PIN - 673 635.**
- 4. THE PRINCIPAL,
NIRMALA COLLEGE, MUVATTUPUZHA.**
- 5. THE PRINCIPAL,
ST. PETERS COLLEGE, KOLENCHERY.**
- 6. THE PRINCIPAL,
MARIAN COLLEGE, KUTTIKANAM.**
- 7. THE PRINCIPAL,
ST. THOMAS COLLEGE, TRICHUR.**
- 8. THE PRINCIPAL,
ST. JOSEPH COLEGE, DEVAGIRI, CALICUT.**

**R1 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ
R2 BY ADV. SRI.VARUGHESE M.EASO, S.C
R3 BY ADV. SRI.SANTHOSH MATHEW, S.C
R4 BY ADV. SRI.BABY ISSAC ILLICKAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE CERTIFICATE ISSUED BY THE MANAGING DIRECTOR- EDUCATION DATED 31.01.2004.
- EXT.P1(A): TRUE COPY OF THE CERTIFICATES ISSUED BY LEARNING AND DEVELOPMENT ACCA DATED 31.12.2003.
- EXT.P1(B): TRUE COPY OF THE CERTIFICATES ISSUED BY THE EXECUTIVE DIRECTOR-LEARNING & CUSTOMER SERVICES AND THE EXCERPT FROM THE WEBSITE OF ACCA GLOBAL.COM.
- EXT.P2: TRUE COPY OF THE ADVERTISEMENT PUBLISHED BY IN THE HINDU DATED 06.01.2010.
- EXT.P3: TRUE COPY OF THE COPY OF THE EXCERPT OF THE BROCHURE PUBLISHED BY THE 4TH RESPONDENT.
- EXT.P3(A): TRUE COPY OF THE EXCERPT OF THE BROCHURE PUBLISHED BY THE 5TH RESPONDENT.
- EXT.P3(B): TRUE COPY OF THE EXCERPT OF THE BROCHURE PUBLISHED BY THE 6TH RESPONDENT.
- EXT.P3(C): TRUE COPY OF THE EXCERPT OF THE BROCHURE PUBLISHED BY THE 7TH RESPONDENT.
- EXT.P3(D): TRUE COPY OF THE EXCERPT OF THE BROCHURE PUBLISHED BY THE 8TH RESPONDENT.
- EXT.P4: TRUE COPY OF THE COMMUNICATION DATED 26.11.2009.
- EXT.P5: TRUE COPY OF THE COMMUNICATION DATED 01.02.2010.
- EXT.P6: A RECENT ADVERTISEMENTS PUBLISHED IN MALAYALAM MANORAMA DAILY DATED 24.10.2010.
- EXT.P6(A): A RECENT ADVERTISEMENTS PUBLISHED IN HINDU DAILY DATED 25.10.2010.

RESPONDENT(S)' EXHIBITS

- EXT.R2(A): TRUE COPY OF THE U.O.NO.2880/AI2009/ACADEMIC, DATED 03.07.2009
- EXT.R2(B): TRUE COPY OF THE MINUTES OF THE MEETING OF THE SYNDICATE HELD ON 20.10.2009.
- EXT.R2(C): TRUE COPY OF THE SHOW CAUSE NOTICE DATED 24.02.2010.
- EXT.R2(D): TRUE COPY OF THE MINUTES OF THE MEETING OF THE SYNDICATE HELD ON 06.04.2010.

//TRUE COPY//

P.A.TO JUDGE.

K. VINOD CHANDRAN, J

W.P(C) No. 10157 of 2010

Dated this the 30th day of January, 2015

J U D G M E N T

The petitioner is aggrieved by the affiliated College under the 2nd and 3rd respondents carrying on courses not affiliated or controlled by the University. The specific allegation raised is that, respondents 4 to 8, are carrying on a course under the “Association of Chartered Certified Accountants” leading to the award of membership in the said association, which is said to be somewhat akin to membership of the Association of Chartered Accountants in India. Admittedly the petitioner is carrying on such a course and the petitioner is aggrieved with the affiliated colleges also carrying on such courses, for reason of the same being against the affiliation norms. Ext.P3 series are the prospectus, said to have been published by the respondents 4 to 8.

2. The 4th respondent appears through counsel and submits that though there was initially a proposal to conduct such a course, the 4th respondent has not pursued the same and they have not commenced such a course, nor do they intend to do so. Despite notice to the respondents 5 to 8 none appears.

3. I have heard the learned Standing Counsel for the

Universities also. Both the Universities have filed separate counter affidavits. The Universities support the stand of the petitioner insofar as the affiliation norms being against the conduct of such courses.

4. The 2nd respondent University specifically contends that communications were issued to all the affiliated colleges restricting such conduct of courses. The 3rd respondent submits that no such incident has been brought to the notice of the University and if it is so brought to its notice, definitely action would be taken.

4. In such circumstance, recording the undertaking of the Universities, the writ petition would stand disposed of. If any violation of affiliation norms are noticed, and the same is brought to the notice of the University, the University shall conduct enquiry and take appropriate actions in accordance with its regulations and affiliation norms.

Writ petition is disposed of. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge