

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 12384 of 2010 (W)

PETITIONER(S):

**M/S. UNAIDED TRAINING COLLEGES
MANAGEMENT ASSOCIATION, REGISTRATION NO.345/2001,
MELMURI, MALAPPURAM-676 314, KERALA,
REPRESENTED BY ITS GENERAL SECRETARY
K.P. ATTACKOYA THANGAL.**

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY THE
PRINCIPAL SECRETARY, DEPARTMENT OF HIGHER
EDUCATION SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. NATIONAL COUNCIL FOR TEACHER EDUCATION,
A STATUTORY BODY OF THE GOVERNMENT OF INDIA,
NEW DELHI, REPRESENTED BY ITS REGIONAL DIRECTOR,
SOUTHERN REGIONAL OFFICE, 1ST FLOOR, CSD BUILDING,
HMT COMPLEX, HMT POST, BANGALORE-560 031.**
- 3. UNIVERSITY OF KERALA, PALAYAM P.O.,
THIRUVANANTHAPURAM, REPRESENTED BY ITS REGISTRAR.**
- 4. MAHATMA GANDHI UNIVERSITY,
ATHIRAMPUZHA P.O., KOTTAYAM,
REPRESENTED BY ITS REGISTRAR.**
- 5. CALICUT UNIVERSITY, UNIVERSITY P.O.,
KOZHIKODE, REPRESENTED BY ITS REGISTRAR.**
- 6. KANNUR UNIVERSITY, KANNUR,
REPRESENTED BY ITS REGISTRAR.**

**R1 BY GOVERNMENT PLEADER NOUSHAD THOTTATHIL
R2 BY ADV. SRI.V.M.KURIAN, SC
R3 BY ADV. SRI.GEORGE POONTHOTTAM, SC
R4 BY ADV. SRI.VARUGHESE M.EASO, SC
R5 BY SRI.P.C.SASIDHARAN, SC
R6 BY ADV. SRI.M.SASEENDRAN, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 12384 of 2010 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY JUDGMENT DTD.21.11.1994 N OP.NO.15032/1994.

EXT.P2: TRUE COPY OF REPRESENTATION DTD.29.11.2004.

EXT.P3: TRUE COPY OF JUDGMENT DTD. 16.8.2005 IN WPC. NO.35066 OF 2004.

EXT.P4: TRUE COPY OF JUDGMENT DTD.24.3.2006 IN CCC NO.218 OF 2006.

**EXT.P5: TRUE COPY OF LETTER DTD.26.4.2006 ALONG WITH THE PROCEEDINGS OF
HEARING.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

A.M. SHAFFIQUE, J.

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Dated this, the 16th day of September, 2015

J U D G M E N T

Petitioner is an association of Unaided Training Colleges Management. Their challenge is with reference to the action of Universities viz., University of Kerala, Mahatma Gandhi University, Calicut University and Kannur University in adopting the academic year for B.Ed Course. According to them, all the training institutions affiliated to the University should have a common academic year for the conduct of B.Ed course. Reference is made to Ext.P1 judgment in a batch of writ petitions decided by a Division Bench of this Court on 21/11/1994 in WA No.1475/1994 and other cases in which this Court had directed the Universities to consider the representation of the petitioners and similarly placed persons.

2. Now it is brought to the notice of this Court that as far as Kerala and Calicut Universities are concerned, they are adopting a common academic year in which the petitioner's association has no grievance. Their grievance is only with

reference to the method adopted by the Mahatma Gandhi University.

3. Counter affidavit has been filed by the 4th respondent Mahatma Gandhi University *inter alia* stating that being a University conducting the course as per the stipulations of National Council of Teacher Education Stipulations, they are entitled to have their autonomy in academic matters and it is their prerogative to decide its own schedule of admission to B.Ed course at its centres. It is stated that the University themselves are conducting Teacher Education Centres within the jurisdiction of the University and the representation submitted by the petitioner has already been rejected in terms of letter dated 29/11/2004 stating that it is not practically possible to follow a common academic year for the University Centres and B.Ed institutions.

4. Though the contention of the petitioner's association may sound good, having regard to the fact that University is an autonomous institution and is bound by the University Act and the Statutes framed thereunder, it may not be possible for this Court to issue a mandamus directing the University to fix an academic

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year for a particular course which they are conducting. As contended by the University, it is within their prerogative to fix an academic year which cannot be meddled by directions issued by this Court, or at the instance of the petitioner.

In the result, I do not find any merit in the contentions urged on behalf of the petitioner and accordingly, the writ petition is dismissed.

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

16/09/2015

//True Copy//

PS to Judge