

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No.15389 of 2010 (W)

PETITIONER:

**SIENA COLLEGE OF PROFESSIONAL STUDIES,
EDACOCHIN,KOCHI - 682 006,
REPRESENTED BY ITS MANAGER.**

BY ADV. SRI.N.JAMES KOSHY

RESPONDENTS:

- 1. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
KOTTAYAM.**
- 2. VICE CHANCELLOR,
MAHATMA GANDHI UNIVERSITY,
KOTTAYAM.**

**R1-R2 BY SRI.VARGHESE M.EASO,SC,M.G.UNIVERSITY
BY SRI.T.A.SHAJI,SC,M.G.UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1:PHOTOCOPY OF THE AFFILIATION ORDER DATED 4.9.2002.
- EXT.P2:PHOTOCOPY OF THE CONDITIONS OF AFFILIATION ISSUED BY THE 1ST RESPONDENT 12.12.2002.
- EXT.P3:PHOTOCOPY OF THE ORDER OF THE 1ST RESPONDENT REGULARIZING THE ADMISSION TO THE COURSE DURING 2005-06 DATED 16.09.2006.
- EXT.P4:PHOTOCOPY OF THE INTERIM ORDER OF THIS HONOURABLE COURT DATED 10.4.2007 IN W.P(C) 6254/2007.
- EXT.P5:PHOTOCOPY OF THE ORDER DATED 24.10.2007 OF THIS HONOURABLE COURT IN W.P.(C) 30478/2007.
- EXT.P6:PHOTOCOPY OF THE NOTIFICATION DATED 23.10.2008 ISSUED BY THE UNIVERSITY.
- EXT.P7:PHOTOCOPY OF THE REPRESENTATION DATED 8.1.2009 OF THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P8:PHOTOCOPY OF THE ORDER DATED 20.12.2008 OF THE 1ST RESPONDENT.
- EXT.P9:PHOTOCOPY OF THE DETAILED REPRESENTATION FILED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 14.1.2009.
- EXT.P10:PHOTOCOPY OF THE REPLY DATED 12.2.2009 RECEIVED FROM THE 1ST RESPONDENT.
- EXT.P11:PHOTOCOPY OF THE INTERIM ORDER DATED 6.4.2009 IN W.P.(C) 5369/2009.
- EXT.P12:PHOTOCOPY OF THE STATEMENT SHOWING THE LIST OF RANKHOLDERS FROM THE COLLEGE.
- EXT.P13:PHOTOCOPY OF THE LETTER DATED 30.6.2009 OF THE 1ST RESPONDENT TO THE PRINCIPAL.
- EXT.P14:PHOTOCOPY OF THE LETTER DATED 29.4.2010 OF THE 1ST RESPONDENT.
- EXT.15:PHOTOCOPY OF THE ORDER DATED 12.5.2006 OF THE UNIVERSITY.
- EXT.P16:PHOTOCOPY OF THE NOTIFICATION DATED 12.5.2010 OF THE 1ST RESPONDENT.
- EXT.P17:PHOTOCOPY OF THE NEWS REPORT PUBLISHED IN THE HINDU NEWSPAPER DATED 7.5.2010.

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EXT.P18:TRUE COPY OF THE APPLICATION IN FORM-2 ALONG WITH COVERING LETTER DATED 29.1.2000.

EXT.P19:TRUE COPY OF THE UNIVERSITY GRANTS COMMISSION (AFFILIATION OF COLLEGES BY UNIVERSITIES)REGULATION 2009 PUBLISHED IN GOVERNMENT OF INDIA GAZETTE DATED 20.2.2010.

EXT.P20:TRUE COPY OF THE DETAILS OF THE DOCUMENTS OF LAND OWNED BY THE PETITIONER.

EXT.P21:TRUE COPY OF THE DOCUMENTS OF TITLE TRANSFERRING 1 ACRE OF LAND IN FAVOUR OF THE SIENA COLLEGE.

EXT.P22:TRUE COPY OF THE TRANSFER DETAILS OF BUILDING CONSTRUCTED IN THE 1 ACRE TRANSFERRED IN FAVOUR OF SIENA COLLEGE,EDACOCHIN.

EXT.P23:TRUE COPY OF THE REPRESENTATION DATED 2.7.2010.

EXT.P24:TRUE COPY OF THE UNDERTAKING BY PROCURATOR DIOCESE OF COCHIN.

EXT.P25:TRUE COPY OF THE INTERIM ORDER DATED 20.4.2010 IN W.P.(C) NO.13435/2010 OF THE HONOURABLE HIGH COURT OF KERALA.

EXT.P26:TRUE COPY OF THE CANDIDATES CHOICE LIST SUBMITTED FOR ADMISSION FOR THE ACADEMIC YEAR 2010-2011.

EXT.P27:TRUE COPY OF THE INTERIM ORDER OF THE HONOURABLE HIGH COURT DATED 29.7.2010 IN W.P(C) NO.15389 OF 2010.

EXT.P28:TRUE COPY OF THE ORDER NO.2657/01/09/AC AVII DATED 31.8.2010 ISSUED BY THE 1ST RESPONDENT.

EXT.P29:TRUE COPY OF THE DETAILS FURNISHED UNDER THE RIGHT TO INFORMATION ACT DATED 17.9.2010.

EXT.P30:TRUE COPY OF THE PHOTOGRAPHS OF THE SIENA COLLEGE.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) No. 15389 of 2010

Dated this the 24th day of February, 2015

J U D G M E N T

The petitioner challenges Ext.P13 and P14 orders of the respondent University. Ext.P13 was an order constituting a committee to assess facilities available in the College. The said committee was constituted on the basis of a complaint against the affiliation granted to the petitioner College. After receipt of a report, the Syndicate of the University considered the same for reason of the College being not carried on, in the land and building of its own, as prescribed by the statute and the affiliation was withdrawn from the year 2010-11. The students already admitted were allowed to be continued.

2. A counter affidavit has been placed on record by the University and the petitioner, filed a reply affidavit in which Ext.P23 representation was produced. This

Court by an order dated 29.07.2010 directed the Vice-Chancellor to consider and pass orders on Ext.P23, which was done as per Ext.P28, which is also seen challenged herein.

3. I have heard the learned Standing Counsel for the University. The learned Standing Counsel for the University has produced before me a communication of the Deputy Registrar numbered as U.O No.4023/1/10/Ac.AVII dated 12.08.2010 wherein the two syndicate members were appointed by the Vice-Chancellor to inspect the institution and report on the issue immediately. On the basis of the report so submitted, the Vice-Chancellor too, found that the institution has not complied with the statutory mandate of establishing the college in its own land and building.

4. None appears for the petitioner. No grounds to interfere with the factual findings, reiterated by the University.

In such circumstance, nothing survives in the writ petition, the same would stand dismissed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge