

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 11679 of 2015 (H)

PETITIONER(S) :

A.K.RAJI,
AGED 42 YEARS, D/O. P.SREEDHARAN,
ADMINISTRATOR, ST.JOHN'S COLLEGE,
PRAKKANAM, PATHANAMTHITTA.

BY ADV. SRI.SAJU J PANICKER.

RESPONDENT(S) :

MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PRIYADARSHINI HILLS,
KOTTAYAM DISTRICT - 686 560.

BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ivs.

APPENDIX

PETITIONER(S) EXHIBITS :

- EXT.P-1 TRUE COPY OF THE APPROVAL DATED 14/05/2003 ISSUED BY THE ALL INDIA COUNCIL FOR TECHNICAL EDUCATION, NEW DELHI.
- EXT.P-2 TRUE COPY OF THE EXTENSION OF THE APPROVAL FOR THE PERIOD 2013-14 AND 2014-15.
- EXT.P-3 TRUE COPY OF THE LETTER DATED 20/12/2013 SENT TO THE RESPONDENT BY THE PETITIONER.
- EXT.P-4 TRUE COPY OF THE JUDGMENT DATED 10/02/2014 IN WP(C) 1309/2014 OF THE HON'BLE HIGH COURT OF KERALA.
- EXT.P-5 TRUE COPY OF THE REQUEST DATED 26/03/2014 GIVEN BY THE PETITIONER TO THE RESPONDENT.
- EXT.P-6 TRUE COPY OF THE LETTER DATED 04/04/2014 GIVEN BY THE PETITIONER TO THE UNIVERSITY.
- EXT.P-7 TRUE COPY OF THE ORDER DATED 16/05/2014 ANE THE PAY-IN-SLIP SHOWING THE PAYMENT OF THE AMOUNT.
- EXT.P-8 TRUE COPY OF THE JUDGMENT DATED 02/07/2014 IN WP(C) 14899/2014.
- EXT.P-9 TRUE COPY OF THE ORDER DATED 24/10/2014 OF THE RESPONDENT.
- EXT.P-10 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 14/01/2015.
- EXT.P-11 TRUE COPY OF THE REPLY NOTICE DATED 30/01/2015.
- EXT.P-12 TRUE COPY OF THE GIFT DEED 867/2003, ITS TAQX RECEIPT AND ENCUMBRANCE CERTIFICATE.

RESPONDENTS' EXHIBITS :

- EXT. R1(A) TRUE COPY OF INSPECTION REPORT DATED 11/03/2013 BY THE INSPECTION COMMISSION.
- EXT. R1(B) TRUE COPY OF JUDGMENT DATED 10/02/2014 IN WP(C) 1399/2014 OF THIS HON'BLE COURT.

/TRUE COPY/

rvs.

P.A.TO JUDGE

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 11679 of 2015

Dated this the 10th day of June, 2015

J U D G M E N T

Aggrieved by the inaction on the part of the respondent university in granting affiliation to the petitioner's college to the respondent university for conducting MBA course, the petitioner has come up before this Court.

2. The petitioner institution is a self financing college owned and is managed by St.Gregorious Memorial St.Johns Educational and Social Trust, Pathanamthitta, which is affiliated to the respondent university. The college offers full time Post Graduate Programme in MBA and was given approval for conducting Post Graduate Programme in MBA for the first time in 2003 by AICTE. Thereafter, AICTE extended the approval; and the approval was given to conduct the course this year also. The petitioner alleges that the respondent university did not grant affiliation to the college since 2012 due to unknown reasons. Though the petitioner sent several requests, they had not taken any

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decision and delayed the matter. The petitioner approached this Court; and this Court, as per Ext.P4, directed the petitioner to cure defects and approach the university, and directed the university to consider the continuance of the approval of affiliation expeditiously. The petitioner, after curing the defects, again approached the university, but, they had not taken any decision on the issue; it is alleged. Again the petitioner approached this Court; and this Court directed the respondent to conduct inspection and pass necessary orders within one month. However, the respondent passed Ext.P9 order to de-affiliate the college, wherein no reasons were shown. The respondent simply stated in the order that 'on the basis of enquiry and complaint' and it is not stated which is the enquiry and complaint. It was further stated in the order that the petitioner is not having sufficient land, which, according to the petitioner, is incorrect. The petitioner has produced Ext.P12 gift deed to substantiate his contention. Thereafter, the respondent issued a show cause notice in January 2015 as to why provisional affiliation shall not be withdrawn. Though the petitioner gave a reply to the notice, no decision was taken. Hence, this writ petition.

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3. The respondent university has filed a counter affidavit.

4. Arguments have been heard.

5. Today, when the matter came up for hearing, the learned counsel for the petitioner submits that though the petitioner has submitted a reply to the show cause notice issued by the respondent as early as on 30.01.2015, no action has been taken by the respondent.

6. On a specific query put forward by this Court, the learned Standing Counsel for the respondent university submitted that the university can take a decision on the reply on the basis of the inspection report, in the next meeting of the syndicate.

Recording the said submission, the writ petition is disposed of to place the matter in the next meeting of the syndicate and to take a final decision in the matter after affording the petitioner an opportunity of being heard.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-