

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 18705 of 2012 (K)

PETITIONER(S):

**MUSALIYAR EDUCATION TRUST
REPRESENTED BY ITS CHAIRMAN, P.I.SHERIEF MUHAMMED
MUSLIYAR LANE, KILIKOLLUR, KOLLAM-4.**

**BY ADVS.SRI.P.RAVINDRAN (SR.)
SRI.SREEDHAR RAVINDRAN**

RESPONDENT(S):

- 1. GOVERNMENT OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR
PRIYADARSINI HILLS P.O., KOTTAYAM-686001.**
- 3. DIRECTOR OF TECHNICAL EDUCATION, GOVERNMENT OF KERALA
SECRETARIAT, THIRUVANANTHAPURAM-695001.**

**R2 BY ADV. SRI.VARUGHESE M.EASO, SC, M.G. UNIVERSITY
R2 BY ADV. SRI.VIVEK VARGHESE P.J., SC, M.G. UNIVERSITY
R1 & R3 BY SRI NOUSHAD THOTTATHIL, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS:

- EXHIBIT-P1 : COPY OF THE COMMUNICATION OF THE AICTE APPROVING
THE COURSE DATED 10.05.12.
- EXHIBIT-P2: COPY OF THE COMMUNICATION RECEIVED FROM THE
UNIVERSITY DATED 02.06.2012.
- EXHIBIT-P3 : COPY OF THE RECOMMENDATION OF THE DIRECTOR OF
TECHNICAL EDUCATION DATED 11.06.2012.
- EXHIBIT-P4 : COPY OF THE GOVERNMENT ORDER DATED 22.06.2012.
- EXHIBIT-P5 : COPY OF THE ORDER IN I.A.NO.358/2011 IN W.A.NO.2014/2010
DATED 28.06.2012.
- EXHIBIT-P6 : COPY OF THE APPLICATION FOR EXPUNCTION.
- EXHIBIT-P7 : COPY OF THE ORDER IN I.A.NO.542/12 IN I.A.NO.358/11 IN
W.A.NO.2014/2010.
- EXHIBIT-P8 : COPY OF THE REQUEST DATED 06.07.2012.

RESPONDENTS' EXHIBITS:

- R2(A) : COPY OF U.O.NO.4718/AVII/2012/ACAD DATED 27.08.2012

//TRUE COPY//

P.A. TO JUDGE

JV

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18705 of 2012

Dated this the 25th day of February, 2015

JUDGMENT

The petitioner approaches this Court alleging that though petitioner submitted Ext.P8 request before the Government for early grant of No Objection Certificate, the Government is declining to respond.

2. Petitioner is an Engineering College. The AICTE has accorded approval for the commencement of M.Tech course in Computer Science and Technology in the College. The University has recommended grant of No Objection Certificate for affiliation of the course from the University. The Director of Technical Education too has recommended the grant of No Objection Certificate and administrative sanction for the course. After obtaining administrative sanction, an agreement has to be entered into between the petitioner and the Government and thereafter no objection certificate has to be issued by the Government which in turn would facilitate affiliation by the University. The cut of date fixed by the University for

commencement of the course is fast approaching. Hence the writ petition.

When the matter came up for hearing on 10.02.2015, this Court directed the learned Government Pleader to ascertain whether No Objection Certificate has been issued on the basis of the interim order already passed. Today, when the matter came up for hearing, the learned Government Pleader on instruction submitted that No Objection Certificate has been issued to the petitioner. In the light of the said submission, this writ petition is disposed of permitting the petitioner to approach the 2nd respondent University on the strength of No Objection Certificate for affiliation.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

JV