

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 20491 of 2015 (J)

PETITIONER(S):

**DR.SOMASEKHARAN UNNI P.K., MEMBER,
SYNDICATE AND CONVENER OF SYNDICATE
STANDING COMMITTEE OF SELF FINANCING INSTITUTIONS,
M.G. UNIVERSITY, PRIYADARSINI HILLS, KOTTAYAM.**

BY ADV. SRI.P.C.SASIDHARAN.

RESPONDENT(S):

- 1. THE MAHATMA GANDHI UNIVERSITY,
PRIYADARSINI HILLS, KOTTAYAM,
REPRESENTED BY ITS REGISTRAR, PIN-686 001.**
- 2. THE VICE CHANCELLOR, M.G. UNIVERSITY,
PRIYADARSINI HILLS, KOTTAYAM-686 001.**
- 3. DR. BABU SEBASTIAN,
VICE CHANCELLOR, M.G. UNIVERSITY, PRIYADARSINI HILLS,
KOTTAYAM-686 001.**
- 4. T.K. SAJEEV, CHAIRMAN,
SPONSORING COMMITTEE OF M.G. UNIVERSITY
SELF FINANCE COLLEGE OF COMMERCE AND LITERATURE,
KAVIYOOR, THIRUVALLA-689 101.**
- 5. STATE OF KERALA ,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

**R1 TO R3 BY SRI.P.JACOB VARGHESE, SENIOR SC,
ADV. SRI.VARUGHESE M.EASO, SC.
R4 BY ADV. SRI.SURIN GEORGE IPE.
R5 BY GOVT. PLEADER SMT.ANITHA RAVINDRAN.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : COPY OF THE ORDER DATED 06.06.2015.
- P2 : COPY OF THE INSPECTION REPORT DATED 06.06.2015.
- P3 : COPY OF THE ORDER DATED 24.06.2015.
- P4 : COPY OF THE RENT DEED DATED 18.06.2015.
- P5 : COPY OF (RELEVANT PORTION) OF THE REGULATIONS.
- P6 : COPY OF THE AMENDMENT.
- P7 : COPY OF THE LETTER ALONG WITH THE BIO DATA FORWARDED BY THE SPONSORING COMMITTEE.
- P8 : COPY OF THE LETTER DATED 07/07/2015.
- P9 : COPY OF THE RESOLUTION.

RESPONDENT'S EXHIBITS:-

- EXT.R1A : COPY OF THE U.O. NO.3815/SFIII/2015/ADMN. DATED 06/07/2015.
- EXT.R4A : COPY OF THE AFFILIATION ORDER ISSUED BY THE 1ST RESPONDENT UNIVERSITY DATED 04/09/2002.
- EXT.R4B : COPY OF THE PROCEEDINGS OF THE DIRECTOR IHRD DATED 07/01/2014.
- EXT.R4C : COPY OF THE RESOLUTION OF KAVIYOOR GRAMA PANCHAYATH DATED 17/06/2015.
- EXT.R4D : SERIES THE PHOTOGRAPHS SHOWING THE INFRASTRUCTURE PROVIDED BY THE SPONSORING COMMITTEE.
- EXT.R4E : COPY OF THE ORDER NO.1676/AII(1)/2015/ADMN. DATED 25/03/2015 ISSUED BY THE 1ST RESPONDENT UNIVERSITY.
- EXT.R4F : COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT UNIVERSITY DATED 14/07/2015.

//TRUE COPY//

P.S. TO JUDGE

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20491 of 2015

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Dated this the 20th day of July, 2015

JUDGMENT

In this writ petition, the petitioner, who is the member of the syndicate and convener of the syndicate standing committee of the self financing institution of respondent university, is challenging the decision taken by the Vice Chancellor of the University by which, sanction was accorded for starting of a new college at Kaviyoor under the sponsorship of the 4th respondent styling the same as a self financing college, exercising the emergent powers under Section 10 (7) of the M.G.University Act.

2. The petitioner mainly points out that the sanctioning of a college is an important matter which by no stretch of imagination can be taken as an urgent matter and that the Vice Chancellor has shown undue haste in the matter in taking a decision. It was further pointed out that the proposed college is intended to be housed in four rooms

of a commercial building, that too, taken on lease and the entire exercise of inspection conducted at the instance of the Vice Chancellor regarding the suitability of the building was a mockery. It was also pointed out that an incompetent person has been appointed as the Coordinator of the proposed college.

3. In the counter affidavit filed by the respondent university as well as the 4th respondent, it was submitted that the university is empowered to establish, maintain and manage colleges and institutions of research and other institutions of higher studies and it was invoking that source of power that the Vice Chancellor has issued the impugned orders. It was also pointed out in the counter affidavit that the Vice Chancellor has ordered to start the college by exercising powers under Section 10(17) of the M.G.University Act, 1985 considering the exigency of starting the courses to ensure learning capacity of the students at the beginning of the Academic Year itself. According to them, there is no illegality or mis use of powers by the Vice Chancellor.

4. It was further pointed out that since the allotment of candidates to the UG programmes through CAP 2015 are in progress, for completing the admission process to the new college at the beginning of the Academic Year itself, the Vice Chancellor has exercised the powers under Section 10(17) of the MGU Act in exigency.

5. The respondent also addressed the point that the petitioner being a member of the syndicate has not opted for alternate lawful remedy to defend the action of the Vice Chancellor at the meeting of the syndicate and did not submit the matter to the notice of the Chancellor. It was also stated that the impugned orders have been implemented.

6. I have heard Mr. P. C. Sasidharan, the learned counsel for the petitioner, Mr. P. Jacob Varghese, the learned senior counsel for the respondent university ably assisted by Mr. Varghese M. Easo, the learned standing counsel and Mr. Surin George Ipe, the learned counsel for the 4th respondent quite *in extenso*.

7. During the course of the argument, it was pointed out that the syndicate of the respondent university is meeting during next week of this month.

8. On a specific query put by me during the course of argument as to whether the process of admission of students of the proposed institutions has been started, the learned counsel for the respondents would submit that though applications have been invited, and the last date of receipt of the application is not over.

9. Considering the materials now placed on board and the rival submissions addressed at the bar, I am of the view that the matter should gain the attention of the syndicate of which the petitioner is a member, where the petitioner can raise all his objections in respect of the matter.

Therefore, the writ petition is disposed of directing the syndicate of the respondent university to consider the issue in the next meeting itself, after affording the petitioner and the 4th respondent an opportunity of being heard. It is hereby made clear

that though the respondent university can continue the process of receiving applications for admission to the proposed institutions, the actual allotment as well as the admission shall be made only after the final decision taken by the syndicate in the matter as above.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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