

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 25716 of 2015 (L)

PETITIONER(S):

1. RURAL ACADEMY FOR MANAGEMENT STUDIES (RAMS),
3RD FLOOR, GCDA SHOPPING COMPLEX, MARINE DRIVE,
KOCHI 682 031, KERALA, REPRESENTED BY ITS SECRETARY.
2. RURAL ACADEMY - IGNOU COMMUNITY COLLEGE (CRA 6821),
3RD FLOOR, GCDA SHOPPING COMPLEX, MARINE DRIVE,
KOCHI 682 031, KERALA, REPRESENTED BY ITS CO-ORDINATOR.

BY ADV. SRI.M.PAUL VARGHESE

RESPONDENT(S):

1. THE VICE CHANCELLOR,
INDIRA GANDHI NATIONAL OPEN UNIVERSITY (IGNOU),
MAIDAN GARHI, NEW DELHI 110068.
2. THE NODAL OFFICER,
IGNOU COMMUNITY COLLEGE UNIT, MAIDAN GARHI,
NEW DELHI 110068.

BY SRI.MOHANAKANNAN K., SC, IGNOU

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE REGISTRAR CERTIFICATE DATED 23-05-2007
 GRANTED BY THE REGISTRAR OF SOCIETIES,ERNAKULAM**
- EXHIBIT P2 TRUE COPY OF THE LETTER OF ACCEPTANCE DATED 21-01-2011
 ISSUED BY DR. C.K. GHOSH,NODAL OFFICER, CCU,INDIRA GANDHI
 NATIONAL OPEN UNIVERSITY**
- EXHIBIT P3 TRUE COPY OF A LIST OF 57 COMMUNITY COLLEGES OPENED IN
 KERALA STATE ACCORDING TO THE COMMUNITY COLLEGES UNIT
 SCHEME**
- EXHIBIT P4 TRUE COPY OF THE E-MAIL DATED 7TH DECEMBER 2010 RECEIVED
 FROM IGNOU CCU**
- EXHIBIT P5 TRUE COPY OF THE E-MAIL COMMUNICATING THE APPROVAL OF THE
 MINUTES AND THE COURSES**
- EXHIBIT P6 TRUE COPY OF THE LIST SHOWING THE DETAILS OF STUDENTS AND
 REGISTRATION & CERTIFICATION FEE REMITTED**
- EXHIBIT P7(1) TRUE COPY OF MARK LIST OF THE STUDENT VIZ. SHANU.M**
- EXHIBIT P8 TRUE COPY OF THE COVERING LETTER DATED 2-12-2013
 FORWARDING HARD COPIES OF MARK LISTS**
- EXHIBIT P9 TRUE COPY OF E-MAIL SENT TO THE RESPONDENTS ON 10TH APRIL
 2015 BY THE PETITIONERS**
- EXHIBIT P10 TRUE COPY OF THE E-MAIL DATED 5-5-2015 RECEIVED BY THE
 PETITIONERS**
- EXHIBIT P11 TRUE COPY OF THE REMINDER DATED 18TH JUNE 2015**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.25716 of 2015

Dated this the 21st day of August, 2015.

J U D G M E N T

The petitioner is seeking a direction to the respondent University to consider Ext.P9 e-mail requesting to issue the Certificates.

2. The 1st petitioner is a Society registered under the Charitable Societies Act, 1955 (Act 12) with reg.No.ER 267/07 of 2007, the 2nd petitioner is the Co-ordinator of the Rural Academy-IGNOU Community College, started and run by the 1st petitioner, with the approval of the Indira Gandhi National Open University. The 1st petitioner had been running an MBA College with the approval of the AICTE and M.G.University and conducting the MBA Course of the M.G.University. The proposal of the 1st petitioner to start a Community College under the Community College Unit (CCU) of IGNOU to conduct Diploma and Associate Degree

Programmes in Animation and Visual Effects and Sound Engineering was approved by them. On the basis of the approval received for the courses and the direction to go ahead with process of admission, 6 students were admitted by the petitioners for the first batch in 2010 and 8 students for the second batch in 2011. Three students who were admitted in the first batch opted for the diploma course and all the other students joined the Associate Degree Programme. The examinations for the two courses were conducted in October 2013 in accordance with the directions and the supervision of IGNOU CCU and the mark lists of all the 14 candidates were forwarded on 31.10.2013 by e-mail. Hard copies of the mark lists were also forwarded for confirmation on 2.12.2013. Even though the petitioners had complied with all the directions of the respondents and remitted the required registration and certification fee and also forwarded the mark lists after conducting the examination, the respondents have so far not issued the

certificates as promised in Ext.P2. The petitioners sent several e-mails to the respondent requesting to issue the certificates as the students and their parents are pressing the petitioners. Since no further steps were taken by the respondents, a reminder was issued on 18.6.2015 requesting to do the needful as early as possible. However, no action has been taken so far by the respondent to issue the certificates as promised. The petitioner submits that the IGNOU is a creation of the statute and is amenable to the writ jurisdiction of this Court. The petitioners are running other educational institutions and conducting courses like the MBA programme of the M.G.University. The credibility of the petitioners is badly affected due to the failure of the respondents to issue the certificates to the students as promised by them ; it is alleged. It is with this backdrop, the petitioners have approached this Court.

3. I have heard the learned counsel for the petitioners, the learned Standing counsel for the respondent University

and the learned Government Pleader in the matter.

As the learned counsel for the petitioners confined his argument to a limited prayer to direct the respondent University to consider Ext.P9 within a time frame, this writ petition is disposed of directing the respondent to consider and pass orders on Ext.P9 within a period of one month of receipt of copy of this judgment, after affording the petitioners as well as the affected parties, if any, an opportunity of being heard.

To facilitate an early action, it shall be open to the petitioners to produce a copy of the writ petition as well as a copy of this judgment before the respondent.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge