

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 26583 of 2015 (W)

PETITIONER:

THE CHAIRMAN & MANAGING TRUSTEE,
NEHRU COLLEGE OF EDUCATIONAL & CHARITABLE TRUST
NILA GARDENS, PAMPADI, THIRUVILWAMALA
THRISSUR, KERALA STATE - 680 597.

BY ADV. SRI. GEORGE JACOB (JOSE)

RESPONDENTS:

1. UNIVERSITY OF CALICUT
REPRESENTED BY ITS REGISTRAR,
THENHIPALAM, MALAPPURAM,
KERALA STATE 673 635.
2. THE SYNDICATE, UNIVERSITY OF CALICUT
REPRESENTED BY THE VICE CHANCELLOR,
THENHIPALAM, MALAPPURAM, KERALA STATE 673 635.
3. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HIGHER EDUCATION (C) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, KERALA STATE - 695 001.
4. THE DIRECTOR OF TECHNICAL EDUCATION
GOVERNMENT OF KERALA, PADMAVILASAM ROAD
THIRUVANANTHAPURAM, KERALA STATE - 695 023.

BY SENIOR GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN
BY SRI. SANTHOSH MATHEW, SC, CALICUT UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE LETTER DATED 24/12/2014 OF THE PETITIONER ADDRESSED TO THE 2ND RESPONDENT
- EXHIBIT P2 : TRUE COPY OF THE APPLICATION DATED 26/12/2014 ADDRESSED TO THE COUNCIL OF ARCHITECTURE
- EXHIBIT P3 : TRUE COPY OF THE LETTER DATED 16/3/2015 OF R3.
- EXHIBIT P4 : TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 6/5/2015 OF THE UNIVERSITY ADDRESSED TO THE PETITIONER
- EXHIBIT P5 : TRUE COPY OF THE LETTER OF APPROVAL DATED 14/7/2015 OF THE COUNCIL OF ARCHITECTURE
- EXHIBIT P6 : TRUE COPY OF THE LETTER DATED 16/7/2015 OF THE PETITIONER ADDRESSED TO R4
- EXHIBIT P7 : TRUE COPY OF THE LETTER DATED 21/7/2015 OF THE PETITIONER ADDRESSED TO R1
- EXHIBIT P8 : TRUE COPY OF THE LETTER OF R4 ADDRESSED TO R3
- EXHIBIT P9 : TRUE COPY OF THE ACADEMIC CALENDAR OF EVENTS FOR 2015-16 OF THE COUNCIL OF ARCHITECTURE
- EXHIBIT P10 : TRUE COPY OF THE LETTER DATED 29/7/2015 OF THE PETITIONER ADDRESSED TO R3
- EXHIBIT P11 : TRUE COPY OF THE LETTER DATED 3/8/2015 OF THE PETITIONER ADDRESSED TO THE HON'BLE MINISTER OF EDUCATION
- EXHIBIT P12 : TRUE COPY OF THE LETTER DATED 5/8/2015 OF R3
- EXHIBIT P13 : TRUE COPY OF THE JUDGMENT DATED 13/8/2015 OF THE HON'BLE COURT IN WPC NO.23941/2015
- EXHIBIT P14 : TRUE COPY OF THE EXTRACT OF THE MINUTES OF THE MEETING OF THE SYNDICATE HELD ON 24/8/2015
- EXHIBIT P15 : TRUE COPY OF THE LIST OF 20 STUDENTS WITH DETAILS OF NATA SCORES WHO HAD SUBMITTED APPLICATIONS FOR ADMISSION

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 26583 OF 2015

Dated this the 17th day of September, 2015

JUDGMENT

The judgment in WP(C) No. 23941/2015 inter alia concludes as follows:

“Therefore the writ petition is disposed of directing the 2nd respondent to take a decision on the petitioner's application for starting a new B.Arch Course without waiting for further NOC from the Government. A decision in this matter shall be taken in accordance with law, as expeditiously as possible @ within a period of 2 weeks of receipt of copy of this judgment”.

Thus a decision on the application to start a new B.Arch. course should be taken without waiting for further NOC from the Government.

2. But Ext.P14 decision is to the effect that a NOC from the government is essential to consider the application for starting a new B.Arch. course. Ext.P14 decision militates against Ext.P13 judgment which is inter parties. Ext.P14 decision is quashed as being contrary to the explicit directions in Ext.P13 judgment.

WP(C) No. 26583/2015

3. The University (first respondent) shall therefore take a decision in this regard within a period of one week. The Vice Chancellor of University is at liberty to take decision if the Syndicate does not meet in the meanwhile.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd