

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.Nos.15629 & 15630 of 2014
& M.P.Nos.1 and 3 of 2014

in

W.P.15629 of 2014 and M.P.1 of 2014

in

W.P.No.15630 of 2014

G.V.Sampath

.... Petitioner in both W.Ps

Vs.

- 1.Union of India,
Rep. by its Secretary to Government,
Ministry of Human Resource Development,
Department of Higher Education,
Shastri Bhavan, New Delhi.
- 2.University Grants Commission,
Rep. by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi-110 002.
- 3.Shri G.Viswanathan
Chancellor, Vellore Institute of Technology,
(Deemed University), Katpadi-Thiruvalam Road,
Vellore-632 014.
- 4.Vice Chancellor,
Vellore Institute of Technology, (Deemed University),
Katpadi-Thiruvalam Road, Vellore-632 014.
- 5.The Pro-Vice Chancellor,
Chennai Campus, Vellore Institute of Technology,
Vandalur Kelambakkam Road,
Melkottaiyur Village-600 127
Kancheepuram District.

6.G.V.Selvam,
Vice President-Chennai Campus(2010-2013)
Vellore Institute of Technology,
Vandalur Kelambakkam Road,
Melkottaiyur Village-600 127
Kancheepuram District.

... Respondents 1 to 6 in both W.Ps

7.Mudit Sinha

8.Emani V. Sarath Kumar

9.Gautham Merwan Balagopala

10.Neethu Manoj

... Respondents 7 to 10
in W.P.No.15629/2014

Petition in W.P.No.15629 of 2015 is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to forbear respondents 3 to 6 from issuing any degrees or other certificates to the students who were admitted to respondents 5 and 6 Institute (Off-Campus Centre at Chennai) without the approval of Respondents 1 and 2 in the years 2010-11 to 2012-13.

Petition in W.P.No.15630 of 2015 is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct respondents 1 and 2 to take action against the respondents 3 to 6 including criminal proceedings for violation of statutory provisions and for cheating the students who were admitted to respondents 5 and 6 Institute for the year 2010-11 to 2012-13 with consequential direction to protect the interests of the innocent students and to pay them compensation.

For Petitioner : Mr.R.Vijaynarayan, S.C., and
in both W.Ps. Mr.V.Raghavachari for
M/s K.Rajasekaran

For Respondents : Mr.Su.Srinivasan,
in both W.Ps. Assistant Solicitor General for R1
Mr.P.R.Gopinathan for R2

Mrs.Chitra Sampath, S.C., for
M/s A.Saravanan for R3 to R5

Mr.M.Venkatachalapathy, S.C. for
Mr.M.Sriram for R6.

COMMON ORDER

This case appears to be an offshoot of ongoing tussle between the petitioner on one hand and the respondents 3 to 6 on the other hand.

2. W.P.No.15629 of 2015 has been filed forbearing respondents 3 to 6 from issuing any degrees or other certificates to the students who were admitted to respondents 5 and 6 Institute without the approval of official respondents 1 and 2 in the years 2010-2011 to 2012-2013. W.P.No.15630 of 2014 has been filed seeking a direction to the respondents 1 and 2 to take appropriate action against respondents 3 to 6.

3. As the issues are overlapping between the same parties, both the cases are taken up together and disposed of by way of a common order.

4. The learned counsels appearing for the petitioner submitted that the petitioner was unceremoniously removed from the Board when he made objection to certain activities. He is a person interested in the affairs of the Trust and respondents 3 to 6 are acting contrary to law. There is no valid permission from respondents 1 and 2 for the ongoing process including the admissions made. Considering the nature of allegations, the writ petitions may be kept pending till the receipt of the Enquiry Report from the second respondent.

5. Mrs.Chitra Sampath, learned Senior Counsel appearing for respondents 3 to 5 and Mr.M.Venkatachalapathy, learned Senior Counsel appearing for the sixth respondent submitted that a private dispute is sought to be redressed through the public law remedy. The petitioner has no locus to seek a specific direction against the private respondents viz., respondents 3 to 6. Appropriate direction has been obtained from the 1st respondent as early as on 06.06.2013. As the issue is pending consideration with respondents 1 and 2, there is nothing survives for adjudication. It is also submitted that the petitioner having filed an affidavit earlier in support of the degrees to be granted cannot go contrary to the same. A further submission has been made that certificates have already been issued to the students.

6. Mr.Su.Srinivasan, learned Assistant Solicitor General of India appearing for the first respondent, submitted that as the issue is

pending consideration with respondents 1 and 2, the second respondent may be directed to furnish its Enquiry Report on the complaint. Based upon the same, appropriate orders would be passed after affording opportunity to the petitioner as well as respondents 3 to 6.

7. Mr.P.R.Gopinathan, learned counsel appearing for the second respondent submitted that an Enquiry Committee has already been constituted and the Committee is going into the complaints made. The Committee would file a comprehensive report based upon it. The first respondent is at liberty to take appropriate action.

8. The communication of the first respondent dated 14.09.2015 is hereunder:

"2. UGC has not given a detailed enquiry report on the letter and on the issues highlighted in the complaint on which enquiry was called for. However, they have sent a letter No.5-1/2014(CPP-1/DU) dated 12th June, 2014 (copy enclosed), which is only a status report of the issue and is not an enquiry report in response to Ministry's aforesaid letter enclosing the complaint. This report merely encloses the reply of VIT, without giving the UGC's conclusions on the allegations made in the complaint.

3. Vide letter dated 07.09.2015, UGC has been asked to send specific conclusions on the complaint. Further, vide letter dated 11.09.2015, UGC has again been asked to send a complete enquiry report in view of our letter dated 27.05.2015 and 07.09.2015."

9. It was preceded by another communication dated 11.09.2015 sent by the first respondent to the second respondent. It is apposite to reproduce the aforesaid communication.

"To
The Secretary,
University Grants Commission,
Bahadurshah Zafar Marg,
New Delhi.

Subject: Writ Petition Nos.15629 of 2014 and 15630 of
2014 titled as G V.Sampath Vs. Union of India
& Ors., in the Hon'ble High Court of Madras-reg.

Sir,

In continuation of this Ministry's letter No.12-9/2014/U3(A) dated 27th May, 2014 and subsequent letter of even number dated 07.09.2015 on the subject cited above, UGC is requested to furnish a complete enquiry report along with specific recommendations to the Ministry at the earliest."

10. The abovesaid communications would show that the respondents 1 and 2 are enquiring into the allegations made with the petitioner. It is no doubt true that there is some procedural delay at the hands of the second respondent. The report submitted earlier also did not contain the adequate particulars. However, the submission made by the learned counsel appearing for the second respondent is taken note of as the Committee has been appointed, which is going into the said allegations.

11. Though a submission has been made by the learned counsel appearing for the petitioner to keep the writ petitions pending, this Court is not inclined to do the same. The relief sought for in W.P.No.15630 of 2014 is subject to the decision that has to be taken by the respondents 1 and 2 in W.P.No.15629 of 2014. Similarly, the relief sought for in W.P.No.15629 of 2014 is a matter, which is directly coming under the jurisdiction of respondents 1 and 2. In other words, the relief sought for in the said writ petition is incidental one to the decision to be taken by the respondents 1 and 2. As the respondents 1 and 2 are already in the process of taking a decision on the complaints made by the petitioner, this Court is not inclined to keep the writ petitions pending, making it clear that it is for the first respondent to take appropriate action based upon the relevant materials and after affording opportunity to the parties concerned.

12. Therefore, considering the facts and circumstances of the case, the second respondent is directed to submit its report through its Enquiry Committee to the first respondent within a period of eight weeks from the date of receipt of a copy of this order. After receipt of the same, the first respondent will furnish copies of the same to the petitioner and the respondents 3 to 6 along with a communication calling for their response on the action proposed. All the issues which are raised in these writ petitions are left open, to be decided by the first respondent. Thereafter, appropriate decision shall be taken by the first respondent after considering the entire materials available on record and also affording an opportunity of personal hearing to the petitioner as well as

respondents 3 to 6. The said exercise will have to be completed by the first respondent within a period of eight weeks from the date of receipt of copy of the Enquiry Report from the second respondent. Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

raa

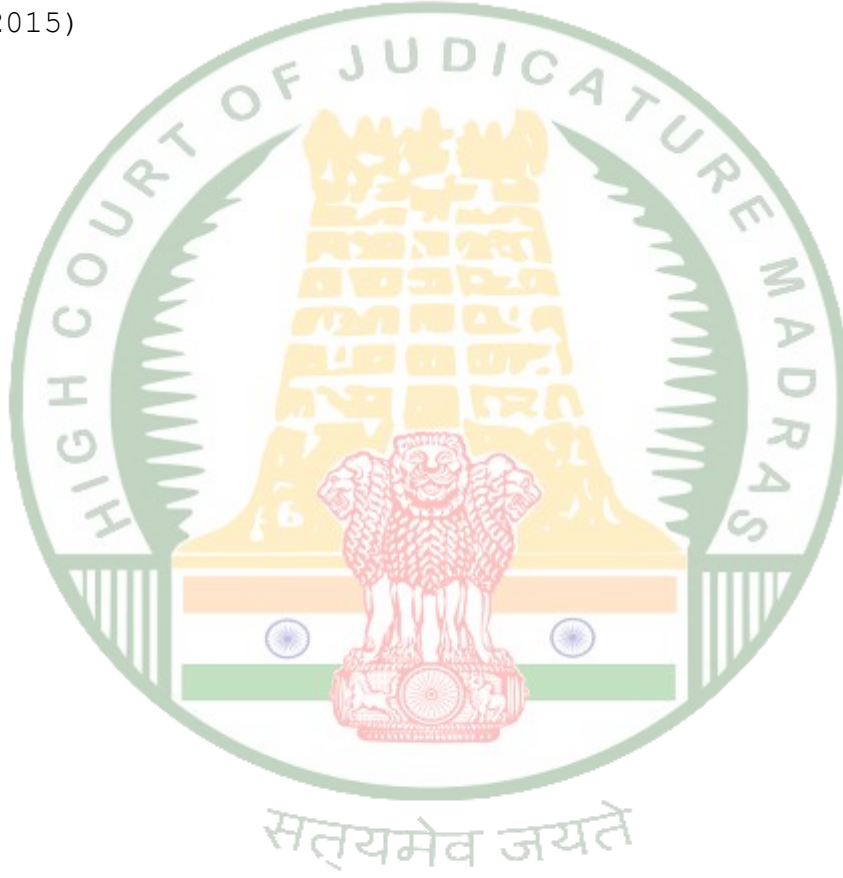
To

1. The Secretary to Government,
Union of India,
Ministry of Human Resource Development,
Department of Higher Education,
Shastri Bhavan, New Delhi.
2. The Secretary, University Grants Commission,
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3. The Chancellor,
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4. The Vice Chancellor,
Vellore Institute of Technology, (Deemed University),
Katpadi-Thiruvalam Road, Vellore-632 014.
5. The Pro-Vice Chancellor,
Chennai Campus,
Vellore Institute of Technology,
Vandalur Kelambakkam Road,
Melkottaiyur Village-600 127

+1cc to Mr.K.Rajasekaran, Advocate, S.R.No.52882
+1cc to Mr.Su.Srinivasan, Assistant Solicitor
General of India, S.R.No.52523
+2cc's to Mr.P.R.Gopinathan, Advocate, S.R.No.53087
+2cc's to Mr.A.Saravanan, Advocate, S.R.No.53026 & 53027
+2cc's to Mr.M.Sriram, Advocate, S.R.No.52736

W.P.Nos.15629 & 15630 of 2014

GR(CO)
CA(07/10/2015)



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