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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.1298 of 2015

and

M.P(MD)No.2 of 2015

1.Vinayaka Missions University,
Rep by its Registrar,
Directorate of Distance Education,
Ariyanur, Salem 636 308.

2.The Controller of Examination
Vinayaka Missions University,
Directorate of Distance Education,
Ariyanur, Salem 636 308.

... Appellants/Respondents

Vs.

Vinayaka Mission University,
Study Centre (Code TN 269),
Anugraha College of Para Medical Science
Rep by its Co-ordinator,
G.Arivalagan, M.A.M.Phil,
Kulasekaram,
Kanyakumari District-629161.

... Respondent/Petitioner

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 29.07.2015 made in W.P.(MD)No.11438 of 2015.

Prayer in WP(MD). 11438/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to issue Provisional Certificate, Degree Certificate and the project mark statement of M.Phil Degree for the students studied in the petitioner s study centre, during the Academic Year 2008-2009 based on petitioner s representation dated 27.5.14 and the reminder on 28.1.15 within the period stipulated by this Honourable Court.

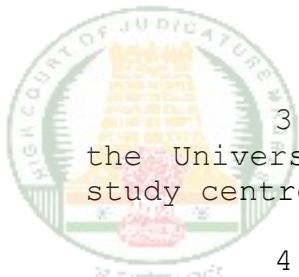
For Appellants : Mr.S.Anwar Sameem
For Respondent : Mr.Ananth C.Rajesh

JUDGMENT

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN,J)

Aggrieved by an order passed by the learned Judge allowing the writ petition of the respondent and directing the issue of provisional certificates, degree certificates etc., a deemed university has come up with the above writ appeal.

2.Heard Mr.S.Anwar Sameem, learned counsel for the appellant.
<https://hcservices.ecourts.gov.in/hcservices/>
Mr.Ananth C.Rajesh, learned counsel takes notice for the respondent.



3.The appellant is a deemed university in terms of Section 3 of the University Grants Commission Act. Admittedly, the respondent is a study centre of the university.

4.On the ground that the study centre failed to remit the fees collected from the students, the university refused to issue the degree certificates, project mark statements etc., to the students who studied in the respondent study centre. Therefore, the respondent came up with a writ petition in W.P.(MD)No.11438 of 2015. The writ petition was allowed by the learned Judge by an order dated 29.07.2015. Aggrieved by the said order, the university is before us.

5.At the outset, the dispute is about the alleged non payment of the fees collected by the respondent study centre from the students. It is virtually a civil dispute inter parties between the appellants and the respondent. Making use of their position, the university cannot penalise the students who paid the fees to the study centre of the university. Therefore, the learned Judge was right in directing the appellants to issue the provisional certificates and degree certificates etc.,

6.The grievance of the appellants is that they were not served with notice. But private notice was served on them and yet they did not choose to appear before the learned Judge. In any case, the remedy for such a person is not by way of appeal. Therefore, both on merits and on technicalities, the appeal deserves to be dismissed. Accordingly, it is dismissed. No costs. Consequently, M.P(MD)No.2 of 2015 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
G.Arivalagan, Co-ordinator,
Vinayaka Mission University,
Study Centre (Code TN 269),
Anugraha College of Para Medical Science
Kulasekaram,
Kanyakumari District-629161.

+1cc to M/s.T.Antony Arul Raj, Advocate in SR.69544
+1cc to M/s.Aanth C.Rajesh, Advocate in SR.69438

Writ Appeal(MD) No.1298 of 2015
and
M.P (MD)No.2 of 2015
04.12.2015

sms

PBK/NGM-SS 23/12/2015 ::2P-4C::