



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2016

CORAM

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THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

W.A(MD)No.556 of 2016

St.John's College
rep. by its Secretary,
Abhishekapatti,
Tirunelveli - 627 012.

.. Appellant/Second Respondent

Vs.

1.D.Kathiravan

.. First Respondent/Petitioner

2.Manonmaniam Sundaranar University
rep. by its Registrar,
Abhishekapatti, Tirunelveli - 627 012.

3.Stallin Kamaraj

4.University Grant Commission,
Bhadurshan Zafer Marg,

New Delhi - 110 002. ..Respondents 2 to 4/Respondents 1,3 & 4

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 13.10.2011 passed in W.P(MD)No.2142 of 2007.

Prayer in WP(MD)No.2142/2007: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order of the first respondent University vide ref.No.MSU/CD/QA/2007 dated 12/2/2007 quash the same.

For Appellant : Mr.S.Meenakshi Sundaram

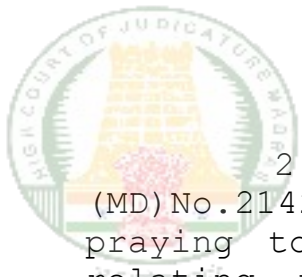
For Respondent : Mr.S.Xavier Rajini
No.1

For Respondent : Mr.V.Panneerselvam
No.3 for M/s.C.S.Associates

J U D G M E N T

(Judgment of the Court was made by A.SELVAM, J.)

This Writ Appeal has been filed against the order dated 13.10.2011 passed in W.P(MD)No.2142 of 2007 by the learned Single Judge of this Court.



2.The first respondent herein as petitioner has filed W.P (MD)No.2142 of 2007 under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the order passed in ref.No.MSU/CD/QA/2007, dated 12.02.2007 by the first respondent and quash the same, wherein the present appellant has been shown as second respondent.

3.The learned Single Judge after considering the divergent contentions raised on either side has dismissed the Writ Petition. However, the second respondent has been directed to give a sum of Rs.25,000/- by way of cost to the petitioner. Against the said portion of the order, the present Writ Appeal has been filed by the second respondent as appellant.

4.The learned counsel appearing for the appellant has sparingly contended that since W.P(MD)No.2142 of 2007 has been dismissed, the learned Single Judge ought not to have imposed a cost of Rs.25,000/- against the appellant/second respondent and the said portion of the order is liable to be set aside.

5.The learned counsel appearing for the first respondent/petitioner has also fairly conceded to the effect that imposition of cost after dismissal of petition is totally unwarranted.

6.Considering the fact that W.P(MD)No.2142 of 2007 has been dismissed by the learned Single Judge of this Court, imposition of cost against the second respondent therein (appellant herein) is totally unwarranted and therefore the relief sought in the present Writ Appeal is liable to be given to the appellant.

7.In fine, this Writ Appeal is allowed and the order relating to imposition of cost against the appellant/second respondent passed in W.P(MD)No.2142 of 2007 by the learned Single Judge is set aside. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The Registrar, Manonmaniam Sundaranar University,
Abhishekapatti, Tirunelveli - 627 012.

2.The University Grant Commission, Bhadurshan Zafer Marg,
New Delhi - 110 002.

+One cc to Mr.S.Meenakshi Sundaram, Advocate, SR.No.24032

+One cc to Mr.V.Panneerselvam, Advocate, SR.No.24280

+One cc to Mr.S.Xavier Rajini, Advocate, SR.No.24231

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