



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDERS RESERVED ON : 17.08.2016

ORDERS DELIVERED ON : 24.08.2016

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THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.(MD) No.14666 of 2016

and

W.M.P.(MD) Nos.10885 to 10887 of 2016

Sree Krishna Education Trust,
Represented by its
Founder and Managing Trustee,
Dr.K.Balaraman

.. Petitioner

vs.

1.The Secretary to Government of Tamilnadu,
Agriculture Department,
Fort St.George, Chennai - 600 009.

2.The Secretary to Government of Tamilnadu,
Finance Department, Fort St.George,
Chennai 600 009.

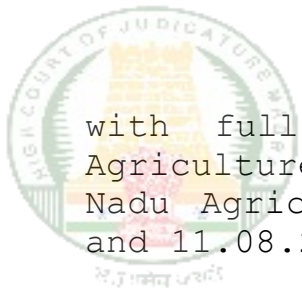
3.The Vice Chancellor and Chairman,
Board of Management,
Tamilnadu Agricultural University,
Coimbatore, Tamilnadu.

4.Mr.K.Ramasamy
The Vice Chancellor and Chairman,
Board of Management,
Tamilnadu Agricultural University,
Coimbatore, Tamilnadu.

5.The Registrar,
Tamilnadu Agricultural University,
Coimbatore 641 003,
Tamilnadu.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the Respondent, dated 09.08.2016 and quash the same and further direct the Respondents 3 to 5 to include the Petitioner's College in the admission seat matrix for the academic year 2016-17



with full admission capacity of 120 seats (B.Sc Degree in Agriculture) during the general counselling conducted by the Tamil Nadu Agricultural University scheduled on 09.08.2016, 10.08.2016 and 11.08.2016.

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For Petitioner : Mr.Isaac Mohanlal
Senior Counsel
for
Mr.D.Sadiq Raja

For R1 and R2 : Mr.A.Muthukaruppan, AGP

For R3 to R5 : Mr.A.Thirumurthy

O R D E R

The Petitioner/College of Agricultural Technology, Theni, Theni District has focused the instant writ petition seeking to call for the records pertaining to the impugned order passed by the Fifth Respondent/Registrar, Tamil Nadu Agricultural University, Coimbatore, dated 09.08.2016, and to quash the same. Further, the Petitioner has sought for passing of an order by this Court in directing the Respondent Nos.3 to 5 to include its College in the admission seat matrix for the academic year 2016-17, with full admission capacity of 120 seats (B.Sc., degree in Agriculture) during the general counselling conducted by the Tamil Nadu Agricultural University, scheduled on 09.08.2016, 10.08.2016 and 11.08.2016 respectively.

2.The Learned Senior Counsel for the Petitioner/College submits that the impugned order of the Fifth Respondent, dated 09.08.2016, passed by the Fifth Respondent/Registrar, Tamil Nadu Agricultural University, Coimbatore, suffers from non application of mind.

3.The Learned Senior Counsel for the Petitioner/College contends that the order of rejection was challenged in W.P.(MD) No.12239 of 2016 on the file of this Court and on 05.08.2016, this Court, had set aside the order of reduction, dated 03.07.2016. As such, the third and Fifth Respondents should have included the name of the Petitioner/College in the seat matrix display during the general counselling for Tamil Nadu Agricultural University under Graduate admission 2016-17 with the admission strength of 120.

4.The Learned Senior Counsel for the Petitioner/College projects an argument that the copy of the order passed in W.P.(MD) No.12239 of 2016, dated 05.08.2016 passed by this Court was produced before the Fifth Respondent/Registrar, Tamil Nadu Agricultural University, Coimbatore, along with the covering

letter and that the Fifth Respondent, on 09.08.2016 had passed the impugned order, which runs as under:-

"... In this regard, I wish to state that the Hon'ble Court was pleased to set aside the order No.E.1/AC.131/II.4/2016, dated 03.07.2016, on the ground of violation of principle of natural justice i.e. due time was not given in the letter dated 02.07.2016 to you, to response to the report of the Standing Committee.

In the judgement, the Hon'ble Court was pleased to give you an option to furnish a detailed reply for the SCORE CARD REPORT withi a week and also directed that the Standing Committee may reinspect the College if necessary with advance notice to the Trust and furnish a report.

Further, the Hon'ble Court was pleased to direct the Academic Council of the University to look into the reply of the Petitioner/Trust/College, dated 07.07.2016 and if need be, the Academic Concil shall direct the Petitioner/Trust/College to appear for a personal hearing and then the Academic Council has to take final decision in the subject matter and the Academic Council shall pass a reasoned speaking order on merits within a period of six weeks from the date of receipt of a copy of this order.

Therefore, the request for restoration of the admission strength at 120 shall be considered and final order shall be passed by the Academic Council, after complying with the above said directions of the Hon'ble Court."

5.In response, the Learned Counsel for the Respondent Nos.3 to 5 submits that the Petitioner/Trust/College on 08.08.2015 had made a specific request before the Fifth Respondent/Registrar, Tamil Nadu Agricultural University, Coimbatore, "... to kindly restore the students admisson strength of our College with respect to B.Sc. (Agri Course) to its original strength i.e. to 120 in the general counselling for Tamil Nadu Agricultural University, Under Graduate admission 2016-17 and oblidge."

6.The Learned Counsel for the Respondent Nos.3 to 5 brings it to the notice of this Court that the Fifth Respondent in the communication/lettter, dated 09.08.2016, addressed to the Petitioner/College had inter alia observed the following:-

"As per the proceedings made in Ref No.1 (Proceedings No.E.1/1079/2011, dated 20.06.2011 of the Registrar, TNAU), the admission strength of B.Sc., (Agri) Degree of our College is 120. It was reduced by the Ref.No.2 by 60. The reduction order made in Ref No.2 (Proceedings No.E.1/AC.131/II.4/2016, dated 03.07.2016 of the Registrar, TNAU) is quashed by the Hon'ble Madurai Bench of Madras High Court by Ref. No.3 (Order made in W.P.(MD)No.12239 of 2016, dated 05.08.2016 on the file of



Madurai Bench of Madras High Court). Thus the present admission strength of our College stands as 120. But in your communication made in Ref.No.5 (Petitioner's Communication, dated 09.08.2016) it has been stated that the restoration of the admission strength at 120 shall be considered and final order shall be passed by the Academic Council after complying with the direction of the Hon'ble High Court is highly illegal and the same amounts to contempt of Court. Since reduction of student admission strength of our College has been quashed by the Hon'ble Madurai Bench of Madras High Court, take necessary steps to include the name of the College in the seat matrix display during the general counselling for Tamil Nadu Agricultural University under graduate admission 2016-17 immediately on the basis of your proceedings made in Ref.No.1 or otherwise appropriate steps would be taken by the College for non implementation of the order made in Ref.No.3."

and submits that in reality, the communication, dated 09.08.2016 of the Fifth Respondent/University per se is not an order and there is no violation of the order passed by this Court in W.P. (MD)No.12339 of 2016, dated 05.08.2016.

7.The Learned Counsel for the Respondent Nos.3 to 5 takes a categorical stand that the Academic Council of the Respondent/University has looked into the reply of the Petitioner/Trust/College, dated 07.07.2016 and further, the reply submitted by the Petitioner/College on 13.08.2016 is also placed before the Standing Committee on 16.08.2016 and in short, it is represented on behalf of the Respondent Nos.3 to 5 that they will comply with the order, dated 05.08.2016, passed by this Court in W.P.(MD)No.12339 of 2016. Lastly, it is the contention of the Learned Counsel for the Respondent Nos.3 to 5 that there is no necessity on the part of the Petitioner/College to file the present writ petition before this Court and as such, the writ petition is not maintainable before this Court, in the Eye of Law.

8.At this stage, this Court makes a pertinent and useful reference to the order, dated 05.08.2016, in W.P.(MD)No.12239 of 2016 (filed by the Petitioner/College), wherein at paragraph No.6.19, it is among other things mentioned as under:-

"At this stage, this Court pertinently points out that in between the letter, dated 02.07.2016 of the Fifth Respondent/Registrar (Incharge), Tamil Nadu Agricultural University, Coimbatore and proceedings dated 03.07.2016 of the Fifth Respondent/Registrar (Incharge), Tamil Nadu Agricultural University, Coimbatore, there was a gap of only one day. In the letter dated 02.07.2016 of the Fifth Respondent/Registrar (Incharge), Tamil Nadu Agricultural University, Coimbatore, the Petitioner/College was requested to send its response for the Standing Committee



Report immediately and no time limit was prescribed expressly in the said communication of the Fifth Respondent for sending the response of the Petitioner/College. Since on the next day viz., 03.07.2016, the Fifth Respondent/Registrar (Incharge), Tamil Nadu Agricultural University, Coimbatore, had communicated the decision in regard to the reduction of students strength at 60 in respect of B.Sc., (Agri.) degree programme from the academic year 2016-2017 in respect of the Petitioner's College, this Court is of the considered view that the Petitioner/College was not provided with the adequate/reasonable time to submit its response for the Standing Committee report in question. As such this Court comes to a resultant conclusion that there is violation of principles of Natural Justice. Viewed in that perspective, the decision of the Academic Council (the Supreme Body in respect of academic affairs) to reduce the students admission strength from 120 to 60 to the Petitioner's College (based on the premise that the Petitioner has no reply to the Standing Committee's Report) is per se not correct, in the Eye of Law. Therefore, the impugned proceedings of the Fifth Respondent/Registrar (Incharge), Tamil Nadu Agricultural University, Coimbatore, dated 03.07.2016 communicating the reduction of strength at 60 from the academic year addressed to the Petitioner suffers from legal infirmity. Resultantly, this Court, to prevent an aberration of justice and to promote substantial cause of justice, interferes with the impugned order, dated 03.07.2016 of the Fifth Respondent/Registrar (Incharge), Tamil Nadu Agricultural University, Coimbatore, and sets aside the same."

9. Further, in the aforesaid order at paragraph No.6.20, this Court had observed the following:-

"In fine, the writ petition is allowed leaving the parties to bear their own costs. The impugned proceedings in No.E1/AC.131/II.4/2016 of the Fifth Respondent/Registrar (Incharge), Tamilnadu Agricultural University, Coimbatore, dated 03.07.2016, is hereby set aside by this Court for the reasons assigned in this writ petition. The Academic Council of the Respondent/University is directed to look into the reply of the Petitioner/Trust/College, dated 07.07.2016 in threadbare fashion (for the Standing Committee Report) and to take a final decision in the subject matter in issue by providing necessary opportunity to the Petitioner/College/Trust by adhering to the Principles of Natural Justice and to pass a reasoned speaking order on merits in a fair, free, with an open unbiased mind and that too, in a dispassionate manner, within a period of



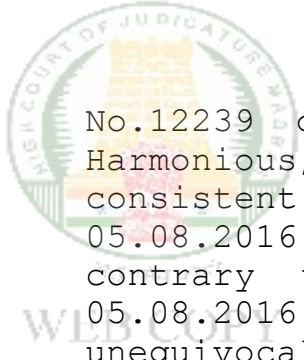
six weeks from the date of receipt of a copy of this order, ofcourse in the manner known to Law and in accordance with Law. In case, before the Academic Council, the Petitioner/Trust/College is in requirement of any personal hearing, then, if situation so warrants, the Petitioner/Trust/College may be provided with an opportunity of personal hearing and to take a necessary decision in the subject matter in issue. Also, it is made quite clear by this Court that if the Petitioner submits a detailed reply for the SCORE CARD report sent to the Petitioner/Trust/College, within a week from the date of receipt of a copy of this order, then, the Standing Committee is directed to examine the same and in case, if the Standing Committee comes to a conclusion to reinspect the Petitioner/College, then, the same shall be carried out by the Committee, ofcourse, after putting the Petitioner/College/Trust on prior notice. Further, based on the report of the Standing Committee, the Academic Council of the Fifth Respondent/University is to reconsider the issue in question. The connected Miscellaneous Petitions are closed."

10. In this connection, it is not out of place for this Court to make a pertinent mention that it is for the concerned authorities to take a final call as to whether the Petitioner/College has necessary infrastructure/all facilities for providing education to the students. Further, it cannot be gainsaid that it is for the Petitioner/College to comply with the Rules, Regulations, norms specified under relevant Act/Statue.

11. In the instant case, it come to be known that the Petitioner/College had furnished a reply through E-Mail to the Score Card report by addressing the Fifth Respondent/ Tamil Nadu Agricultural University, Coimbatore, and the same is pending.

12. It is to be borne in mind that the order, dated 05.08.2016, in W.P.(MD)No.12239 of 2016, ought to be given a plain, literal and fair meaning by all concerned. In fact, the order dated 05.08.2016 in W.P.(MD)No.12239 of 2016, passed by this Court is to be read as a whole. As a matter of fact, the said order cannot be bisected, as opined by this Court. To put it precisely, it is not open to a Court of Law to bisect the order passed by this Court, dated 05.08.2016, in W.P.(MD)No.12239 of 2016 and pick-up a portion/part, which is favourable to the writ Petitioner.

13. It is to be noted that the duty of the Court of Law is to expound the Law as it stands and to leave the remedy (if one be resolved upon) to others. The ordinary Rule of construction is to service to the court and arrive if possible at their meaning without in the first instance seeking assistance from other modes. Indeed, the whole order, dated 05.08.2016 in W.P.(MD)



No.12239 of 2016, prima facie is to be taken in a Lawful, Harmonious, Holistic and rightful sense, so as to make it consistent. In fact, the tenor and spirit of the order dated 05.08.2016 in W.P.(MD)No.12239 of 2016 is not to be construed contrary to its meaning. Apart from that, the order dated 05.08.2016 in W.P.(MD)No.12239 of 2016, passed by this Court is unequivocal, unambiguous, explicit and admits of no exception.

14.Moreover, the Fifth Respondent in the reply dated 09.08.2016 had among other things mentioned that "... Therefore, the request for restoration of the admission strength at 120 shall be considered and final order shall be passed by the Academic Council, after complying with the above said directions of the Hon'ble Court." Also, a stand is taken in the counter to W.P.(MD) No.14666 of 2016 to the effect that the Fifth Respondent/University has no intention to disobey or to act in defiance of the orders passed by this Court. Viewed in that perspective, this Court comes to a resultant conclusion that the writ petition filed by the Petitioner/College is a premature and otiose. Therefore, the writ petition fails.

15.In the result, the writ petition is dismissed. The connected Miscellaneous Petitions are also dismissed.

Sd/-

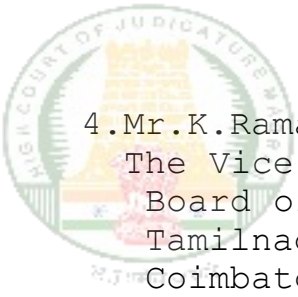
Assistant Registrar (Record)

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Sub Assistant Registrar

To:

- 1.The Secretary to Government of Tamilnadu,
Agriculture Department,
Fort St.George, Chennai - 600 009.
- 2.The Secretary to Government of Tamilnadu,
Finance Department, Fort St.George,
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4.Mr.K.Ramasamy
The Vice Chancellor and Chairman,
Board of Management,
Tamilnadu Agricultural University,
Coimbatore, Tamilnadu.

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5.The Registrar,
Tamilnadu Agricultural University,
Coimbatore 641 003,
Tamilnadu.

+1cc to M/s.D.Sadiq Raja, Advocate SR.No.46772
+1cc to M/s.A.Thirumurthy, Advocate SR.No.45403

PRE-DELIVERY ORDER MADE IN
W.P. (MD) No.14666 of 2016

24.08.2016

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SD/SKS-RR/24.08.2016/8P/8C/IT