



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2016

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.6268 of 2016

Rama Prabha College of Arts and Science

Rep by its Principal

Dr.I.Ismail,

Arasanampatti,

Dindigul - 624 003.

... Petitioner

Vs.

Madurai Kamaraj University,

Rep. By its Registrar,

Palkalai Nagar,

Madurai District - 625 021.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the record relating to the impugned communication bearing Ref: CDC-3/2015-16 dated 21.03.2016 passed by the respondent and quash the same.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.Muthugeethaiyan

ORDER

This writ petition has been filed for issuance of a Writ of Certiorari to quash the impugned communication bearing Ref: CDC-3/2015-16 dated 21.03.2016 passed by the respondent.

2.Heard the learned counsel appearing on either side.

3.The petitioner is a private College situated in a rural area. There are 600 students studying in the petitioner College. The College has to obtain renewal for every 3 years for 6 UG courses and 4 PG Courses and the sum payable for each course per year is Rs.1500/-. It is stated that the University had enhanced the renewal fees from Rs.1500/- to Rs.10,000/- with effect from 06.03.2006 and the same was also approved by the Senate on 31.03.2006.

4. It is the specific case of the petitioner College that the resolution of the University was passed in March 2006 without the knowledge of the affiliated colleges. If the petitioner had been



put on notice in the year 2006 itself, the petitioner would have revised the students fee structure also accordingly. The College was informed about the enhancement only in the second half of 2014.

5. The petitioner also has stated that they have given representation to the University pointing out that the revision was almost 7 times. There is no response for the said representation.

6. On 21.03.2016, the impugned Communication was received by the petitioner College, which shows that if the pending renewal of affiliation fee for the courses granted to the College is not remitted on or before 31.03.2016, the affiliation already granted would be cancelled. Alarmed by the said order, the petitioner has come to this Court.

7. The main contention of the petitioner is that the petitioner was informed about the resolution of the University passed on 2006 only in July 2014, which saddles the petitioner with liability to pay the revised fee for the period from 2006 to 2014, which would be huge sum and which could not have been collected from the students from the respective year.

8. However, the learned counsel appearing for the petitioner College submitted that the College is now ready to pay the renewal of affiliation charges for the period 2015-2016 and 2016-2017, which would be approximately Rs.2 lakhs.

9. The learned counsel appearing for the University contended that the resolution, which was communicated in the year 2014 to the College, was not challenged by the College at that time and none of the Colleges has challenged the same.

10. The learned counsel appearing for the University is not in a position to answer the question as to why there was a delay in communicating the revised fees to the Colleges for more than 8 years. The lapse on the part of the University is now taken advantage by the College though there is no challenge to the revision of fees.

11. Considering the above stated facts, this Court, without going into the controversy, directs the petitioner to pay the renewal of affiliation charges for the years 2015-2016 and 2016 - 2017 within a period of two weeks. After remitting the said sum, they may represent to the University about the delay in the communication and the liability of the College to pay the enhanced sum for the period from 2006 to 2014. It is open to the University to consider and pass appropriate order in that regard.



12. In the result, the impugned order is set aside for the present. The writ petition stands disposed of accordingly. No costs. Consequently connected M.Ps are closed.

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Sd/-

Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To,

The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai District - 625 021.

+One cc to Mr.T.Antony Arul Raj, Advocate, SR.No.17681

+One cc to Mr.Muthugeethaiyan, Advocate, SR.No.17192

CM

RL/4C/3P/GSV/PM/1/4/2016

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