



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2016

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.(MD)No.7469 of 2016

and

W.M.P.(MD).Nos.6278 to 6280 of 2016

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M/s.Madurai Kamaraj University,
Private College Management Association,
(S.No.143 of 2006)
rep. By its General Secretary,
Mannar Thirumalai Naicker
College Campus, Pasumalai,
Madurai - 625 004.

.. Petitioner

Vs.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned proceedings of the respondent University in Ref.No.CDC-2/Affil.Fees/2006, dated 16.05.2006 insofar as prescribing confirmation / permanent affiliation fee and the consequential proceedings in Ref:EDP&C/April-2016, dated 30.03.2016 and quash the same.

For Petitioner

... Mr.Isaac Mohanlal,
Senior Counsel for
Mr.T.Cibi Chakaraborthy

For respondent

... Mr.T.Sakthikumaran

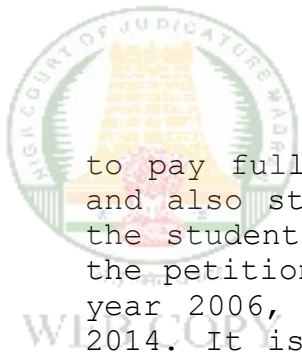
ORDER

Mr.T.Sakthikumaran, learned standing counsel takes notice for the respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2.Heard the learned counsel appearing on either side.

3.The petitioner association has come up with this writ petition challenging the impugned proceedings of the respondent University in Ref.No.CDC-2/Affil.Fees/2006, dated 16.05.2006, insofar as prescribing confirmation / permanent affiliation fee and the consequential proceedings in Ref:EDP&C/April-2016, dated 30.03.2016.

4. By the impugned order dated 16.05.2006, the respondent University directed the colleges to pay the prescribed fee for renewal of affiliation for the courses granted and consequentially, by the impugned order dated 30.03.2016, the respondent University directed the colleges



to pay full amount of Entrance and Recognition fees / Affiliation fees and also stated that only on receipt of the said fees, Hall Tickets of the students for April-2016 examinations would be issued. According to the petitioner, though the impugned order was stated to be issued in the year 2006, the same was communicated to the Colleges only in the year 2014. It is also stated by the petitioner that the fee now demanded is astronomically high and their retrospective demand is arbitrary and illegal.

5.Be that as it may, today, the learned counsel for the University produced a letter, dated 15.04.2016, which reads as follows;

"The UG/PG Semester Examinations of April 2016 is scheduled to commence from 25.04.2016 onwards. For every Academic year, your college has to pay the Entrance Fee, Recognition fee and Affiliation Fee to the University.

It is noticed that your college has not paid the full amount of the E & R fee and Affiliation Fee to the University. However, in the interest of the students, the University has issued all the Hall Tickets. Hence, you are requested to send an undertaking to the undersigned stating that the full amount of E & R fee and Affiliation fee be paid on or before 30.04.2016. Please ignore, if already paid."

6.From the above letter, the apprehension of the petitioner that the interest of the students in taking up the examinations for this academic year will be affected is taken care of. As per the said letter, the respondent University would send the hall tickets to the students studying in various colleges under the petitioner association enabling them to appear for the semester examinations commencing from 21.04.2016 and also publish their results as per schedule.

7.So far as the main issue is concerned, the learned counsel for the respondent University has filed a typed set of papers enclosing the list of payment of affiliation fee by the affiliated colleges and the list of payment of renewal affiliation fee as on 01.03.2016 by the colleges which are in the membership of the petitioner association. Therefore, it is evident that the petitioner association itself is now divided as the few of the colleges made payment as demanded by the University and others are challenging the same. It is not in dispute that the Entrance fee, Recognition fee and Affiliation fee have to be paid by the colleges. Though in the impugned resolution dated 31.03.2006, it is specifically stated that after the completion of three years from the date of receipt of temporary affiliation, it is open to the institution to apply for permanent affiliation or confirmation affiliation, some of the colleges did not opt for the same and take permanent affiliation. Even the University also has not cared to effect the same forthwith. After ten years only, they have made a demand for payment of revised affiliation fee.



8. In such situation of the matter, the impugned order dated 30.03.2016 is set aside and the petitioner association is permitted to resolve the matter with the University with respect to the revision of confirmation / affiliation fee. The University is also directed to convene a meeting with the members of the petitioner association at the earliest i.e. before the commencement of the next Academic year 2016-17. In the meanwhile, the colleges, those who have not remitted the amount demanded, are directed to pay the renewal affiliation fee in respect of the year 2015-16 on or before 30th April 2016. The meeting, as stated above, between the petitioner association and the University with respect to fixation of the confirmation / permanent affiliation fee has to be completed on or before 31st May, 2016. The fee already paid by the colleges, based on the impugned order, will be dealt with by the University appropriately.

9. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(CS-II)

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Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

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

+1cc to Mr.T.Cibi Chakaraborthy, Advocate in SR.No.21880
+1CC TO M/S.T.SENTHIL KUMAR, Advocate in SR.No.21485

W.P. (MD) No.7469 of 2016
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