

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.22707 of 2017

1. Monish.M.
S/o.Muralidharan.TK
 2. Mehakpreet Singh Gill
S/o.Dr.Inderjit Singh Gill
 3. Melbin Joseph
S/o.Joseph P.D
 4. Jeffin Manpurakkal Yesudas
S/o.M.J.Yesudas
 5. Ankit Srivastava
S/o.Anil Kumar Srivastava
- Petitioners

Vs.

1. The Registrar
Indian Maritime University
East Coast Road, Uthandi
Chennai-600 119.
 2. The Principal
RVS Indian Maritime Science & Engineering
Kalikuppam, Karaikal
Pondicherry U.T - 609 609.
- ... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to permit the petitioners herein to write the forth coming examinations for Diploma in Nautical Science Leading to B.Sc., Nautical Science to be held on 19th, 20th and 21st September 2017 by following necessary procedures.

For Petitioners	: Mr.T.T.Ravichandran Mr.K.Gangadaran
For Respondents	: Mr.K.R.Tamilmani, standing counsel for R1 R2 - No appearance

O R D E R

These five writ petitioners have joined the second respondent college in the academic year 2011-2012 for doing the course called Diploma in Nautical Science Leading to B.Sc., Nautical Science. They claimed that they have paid the tuition fee, distance learning fee, hostel fee, IMU programme fee and the fees towards books and uniform, totalling a sum of Rs.2,20,000/- each, to the second respondent college. It is further stated that they have successfully completed the programme and they have to take part in the final examination to be held on 19.09.2017 onwards. However, the first respondent University is not permitting the petitioners to write the examination, by contending that the provisional affiliation granted to the second respondent college was deemed to have lapsed since the college has not conducted the programme consecutively for three academic years i.e., 2013-2014, 2014-2015 and 2015-2016. It is also the contention of the University that the affiliation fee has not been paid by the second respondent college to the University, inspite of the repeated remainders, which amount to Rs.5 lakhs.

2. At this juncture, the petitioners approached this Court and filed the present writ petition, seeking for mandamus directing the first respondent University to permit the petitioners to write the forthcoming examination to be held on 19th, 20th and 21st September 2017.

3. Heard Mr.T.T.Ravichandran, learned counsel appearing for the petitioners and Mr.K.R.Tamilmani, learned standing counsel appearing for the first respondent University.

4. When this Court ordered notice to the second respondent college both through Court and privately, the private notice sent by the petitioner was returned with an endorsement "refused". Accordingly, the matter is listed today, for further hearing by printing the name of the second respondent. No one appears on behalf of the second respondent.

5. Mr.K.R.Tamilmani, learned standing counsel appearing for the first respondent University submitted that the affiliation granted to the second respondent college was cancelled by the proceedings dated 29.03.2016, as they failed to pay the affiliation fee of Rs.5 lakhs inspite of repeated remainders and therefore, the petitioners were not permitted to write the examination, which is scheduled to commence from 19.09.2017 onwards. He further submitted that if the affiliation fee is paid to the University, there will be no difficulty for the first respondent University to permit the petitioners to write the examination, provided, they should pay the examination fee

also in person, as the time for paying the examination fee on-line is already over.

6. The learned counsel for the petitioners submitted that these petitioners will pay the examination fee in person on or before 18.09.2017, so that they must be permitted to take part in the examination commencing from 19.09.2017 onwards.

7. Insofar as the claim of the University with regard to the default on the part of the second respondent college in making the affiliation fee is concerned, it is seen that the University has made repeated remainders to the second respondent college for making such payment and in spite of such remainders, the second respondent college has not chosen to make the payment. In order to find out the stand of the second respondent college, this Court has issued notice to them. They refused to receive the same and therefore, this Court is left with no other option except to accept the contention of the first respondent University and pass the order in this writ petition.

8. It is true that the first respondent University has withdrawn the affiliation by the proceedings dated 29.03.2016, only on the reason that there was no admission for the three academic years in a row commencing from 2013-2014 onwards. Admittedly, these students have joined in the second respondent college in the academic year 2011-2013 and completed the course. Therefore, I find that there will be no impediment for the first respondent University in permitting these students to take part in the examination, as the retrospective cancellation of the affiliation was made only from 2013-2014 onwards. Therefore, considering all these aspects, the writ petition is allowed in the following terms:

(a) The second respondent college is directed to pay the sum of Rs.5 lakhs towards affiliation fee to the first respondent University within a period of four weeks from the date of receipt of a copy of this order.

(b) The petitioners shall pay the examination fee to the first respondent University in person on or before 18.09.2017.

(c) On receipt of such examination fee from the petitioners, the first respondent University shall take necessary / urgent steps to issue the hall tickets to these petitioners and permit them to write the examination commencing from 19.09.2017 in any examination centres where these petitioners can be accommodated, by intimating the same to the petitioners on 18.09.2017 itself and publish the results thereafter.

This order shall not be treated as precedent for any other students from any other college. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

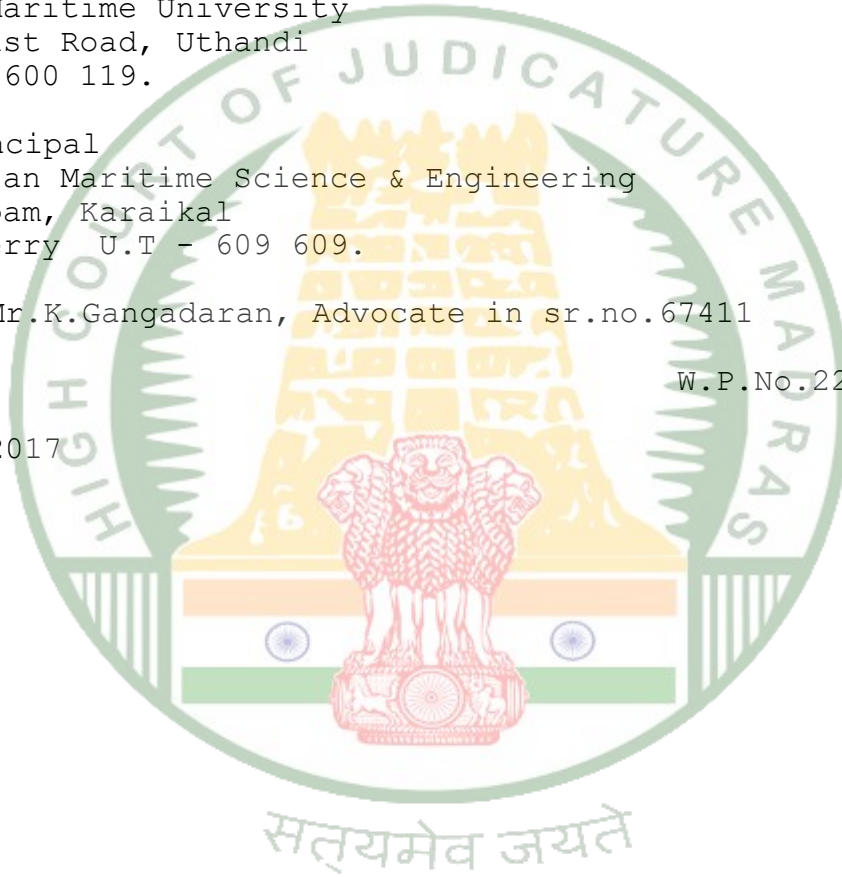
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+lcc to Mr.K.Gangadaran, Advocate in sr.no.67411

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