

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.9.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.Nos.1215, 1190 of 2018,
W.P.Nos.39360 of 2016,
10368 of 2017, 12232 of 2017
6893 of 2018 and 12058 of 2018
and

C.M.P.Nos.9911, 9546 & 9547 of 2018
W.M.P.No.33678 to 33680 of 2016
W.M.P.No.11281 & 11282 of 2017
W.M.P.No.13032 of 2017
W.M.P.No.14986 of 2018
W.M.P.Nos.8538 & 8539 of 2018

W.A.No.1215 of 2018

1 Usha Lachumanan College of Education
T.V.Malai Road Vazhapadiyar Nagar
Thirukkanur Puducherry-605 501. Appellant

Vs

1 K.Gowri
2 N.Subashri
3 M.Gomathi
4 P.Santhiya
5 M.Rohini
6 Sushmita Mondal
7 Angel Tersa Horne
8 D.Saranya
9 A.Banu Priya
10 G.Gayathri
11 S.Tamizharasan
12 B.Nivetha
13 L.Sivakami
14 G.Vijaya
15 S.Sasikala
16 M.Sankari
17 P.Ambika
18 A.Devi
19 P.Ashvini

20 G.Parameswari
21 N.Manogari
22 J.M.Stephy Margaret
23 N.Uma
24 S.Devi
25 J.Dolmatti
26 K.Meena
27 V.Preeti
28 D.Revathi
29 R.Rajarajeswari
30 T.Rajeswari
31 D.Gandhimathi
32 K.Kamatchi
33 S.Saranya
34 R.Santhi
35 G.Gayathri
36 S.Dhanasekaran
37 C.Suguna
38 V.Ethirasu
39 A.Glori Margaret
40 V.Pushpagavalli
41 V.Kannaiyan
42 C.Logeshwari
43 K.Suresh
44 S.Lalitha
45 V.Saravanan
46 S.Nivetha

47 THE REGISTRAR
PONDICHERRY UNIVERSITY PUDUCHERRY-605 014

48 THE CONTROLLER OF EXAMINATION
PONDICHERRY UNIVERSITY R.V.NAGAR KALAPET
PUDUCHERRY-605 014

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 9.5.2018 passed in W.M.P.No.14071 of 2018 in W.P.No.12058 of 2018 on the file of this court.

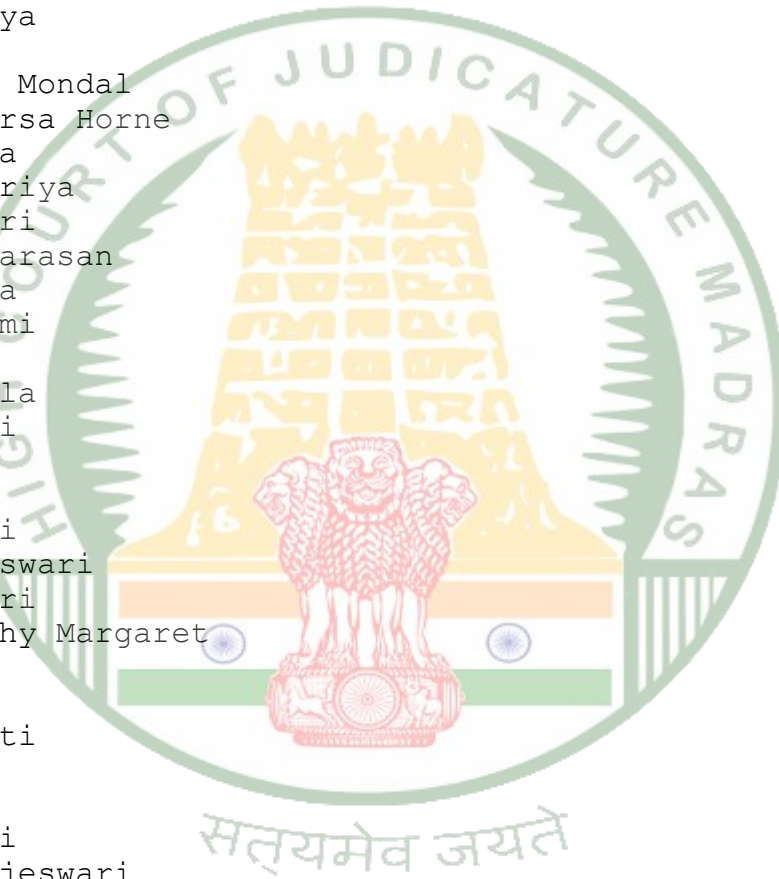
Prayer in WP No.12058/2018: Prayed that this Hon'ble Court may be pleased to issue a writ, order or direction or any other appropriate writ in the nature of a Writ of Mandamus, directing 1st and 2nd respondents to permit the petitioners to continue and complete their Bachelor Degree in Education Course B.Ed. in the 3rd respondent college of Education without any break or hindrance appear for all examinations conducted by the 1st respondent University for the students joined in the academic year 2017-2019 declare the results or transfer to any other approved Teacher Education institution affiliated to the 1st respondent university and to pass such further or other orders

as may deem fit and proper in the circumstances of the case and thus render justice.

For appellant : Mr.T.Dhanasekaran
For RR47 & 48 : Mrs.A.V.Bharathi

W.A.No.1190 of 2018

- 1 K.Gowri
- 2 N.Subashri
- 3 M.Gomathi
- 4 P.Santhiya
- 5 M.Rohini
- 6 Sushmita Mondal
- 7 Angel Torsa Horne
- 8 D.Saranya
- 9 A.Banu Priya
- 10 G.Gayathri
- 11 S.Tamizharasan
- 12 B.Nivetha
- 13 L.Sivakami
- 14 G.Vijaya
- 15 S.Sasikala
- 16 M.Sankari
- 17 P.Ambika
- 18 A.Devi
- 19 P.Ashvini
- 20 G.Parameswari
- 21 N.Manogari
- 22 J.M.Stephy Margaret
- 23 N.Uma
- 24 S.Devi
- 25 J.Dolmatti
- 26 K.Meena
- 27 V.Preeti
- 28 D.Revathi
- 29 R.Rajarajeswari
- 30 T.Rajeswari
- 31 D.Gandhimathi
- 32 K.Kamatchi
- 33 S.Saranya
- 34 R.Santhi
- 35 G.Gayathri
- 36 S.Dhanasekaran
- 37 C.Suguna
- 38 V.Ethirasu
- 39 A.Glori Margaret
- 40 V.Pushpagavalli
- 41 V.Kannaiyan



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42 C.Logeshwari
43 K.Suresh
44 S.Lalitha
45 V.Saravanan
46 S.Nivetha

Appellants

vs.

1 THE REGISTRAR
PONDICHERRY UNIVERSITY PUDUCHERRY-605 014

2 THE CONTROLLER OF EXAMINATION
PONDICHERRY UNIVERSITY R.V.NAGAR KALAPET
PUDUCHERRY-605 014

3. Usha Lachumanan College of Education
T.V.Malai Road Vazhapadiyar Nagar
Thirukkanur Puducherry-605 501. Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 9.5.2018 passed in W.M.P.No.14071 of 2018 in W.P.No.12058 of 2018 on the file of this court.

Prayer W.M.P.No.14071 of 2018 in W.P.No.12058 of 2018 : For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to pass an order of interim direction directing the respondents 1 to 3 herein to permit the petitioners-students who are admitted during the academic year 2017-2018 in first year B.Ed., course in the 3rd respondent institution to write their University Examination which is schedule to be commenced on 28.05.2018 onwards pending disposal of the above writ petition and to pass such further or other orders as this Hon'ble Court may deem fit and render justice.

W.P.No.39360 of 2016

1 Usha Latchumanan College of Education
(run by SMG Anjalai Ammal Educational Society)
Rep. by its Correspondent
Vazhapadiar Nagar
Thirukkanur Puducherry-605 501. Petitioner

Vs

1 Pondicherry University
Rep. by its Registrar
R.Venkataraman Nagar
Kalapet Puducherry-605 014.

2 The Dean (I/C)
College Development Council
Affiliation Wing Pondicherry University
R.Venkataraman Nagar
Kalapet Puducherry-605 014.

Respondents

Prayer: Writ of certiorarified mandamus to call for the records in PU/AW-1/24/ 2016-17/102 dated 21.06.2016 and the consequential records in PU/AW-1/24/ 2016-17/114 dated 12.07.2016 & PU/AW-1/24/ 2016-17/155 dated 23.09.2016 of the second respondent and quash the order thereon and to consequently direct the respondent to extend the Provisional Affiliation to the petitioner for B.Ed. 2 years course for the academic year 2016-2017 within a time frame to be fixed by this Honourable Court.

For petitioner : Mr.L.S.M.Hasan Fizal
For respondents : Mr.A.V.Bharathy

W.P.No.10368 of 2017

Usha Lachumanan College of Education
(run by SMG Anjalai Ammal Educational Society)
rep. by its Correspondent, Vazhapadiyar Nagar
Thirukkanur Puducherry-605 501.

Petitioner

Vs.

- 1 Pondicherry University
rep. by its Registrar
R.Venkataraman Nagar
Kalapet Puducherry 605 014.
- 2 The Dean
College Development Council
Affiliation Wing Pondicherry University
R.Venkataraman Nagar Kalapet
Puducherry 605 014.
- 3 The Controller of Examinations
Pondicherry University
R.Venkataraman Nagar
Kalapet Puducherry 605 014.
- 4 The Deputy Registrar
(Admission)
Pondicherry University
R.Venkataraman Nagar Kalapet
Puducherry 605 014.

Respondents

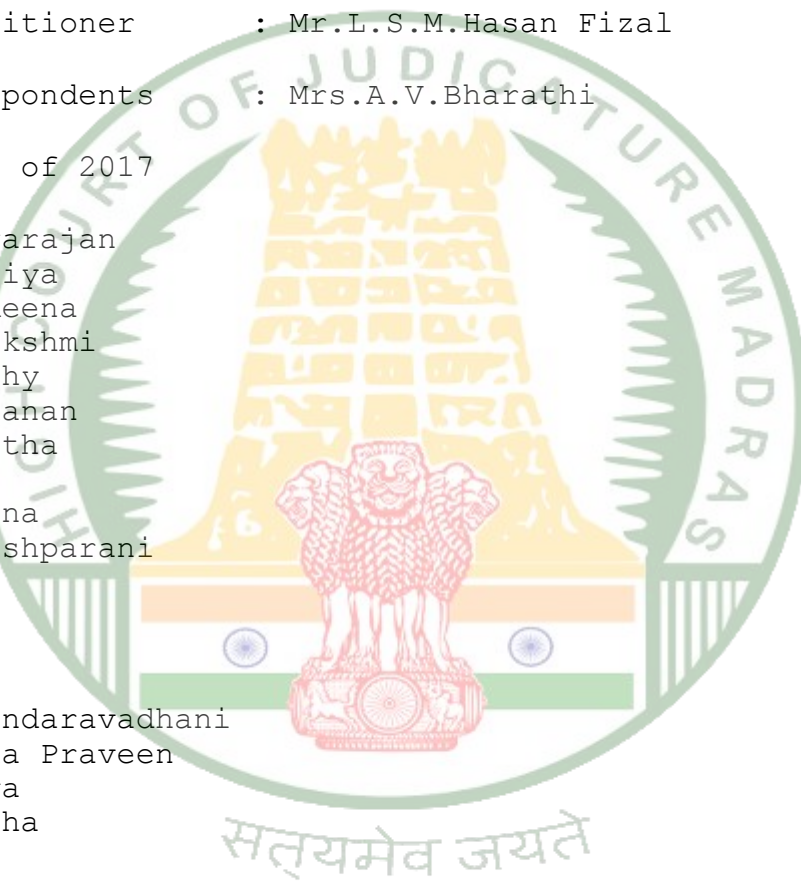
Prayer: Writ of certiorarified mandamus to call for the records in PU/AS/Aca-12/ULCED/ B.Ed./2016-17/123 dated 13.03.2017 reiterating PU/AS/Aca-12/ULCED/B.Ed. / 2016-17/97 dated 17.01.2017 of the 4th Respondent and quash the orders thereon and to consequently direct the Respondents to verify the certificates of the students of 2016-2018 batch of the petitioner within a time frame to be fixed by this Honourable Court and permit the students to appear for theoretical examinations in May - June 2017 and Practical & theoretical examinations in 2018.

For petitioner : Mr.L.S.M.Hasan Fizal

For respondents : Mrs.A.V.Bharathi

W.P.No.12232 of 2017

- 1 K.Thiagarajan
- 2 Bhanupriya
- 3 Daisy Reena
- 4 Dhanalakshmi
- 5 Gunavathy
- 6 Janarthanan
- 7 Jayapratha
- 8 Jegan
- 9 Keerthana
- 10 Mary Pushparani
- 11 Menaga
- 12 Nirmala
- 13 Rani
- 14 Rathika
- 15 Rubasoundaravadhani
- 16 Shajitha Praveen
- 17 Sandhiya
- 18 Sangeetha
- 19 Vanitha
- 20 Vatchala
- 21 Vijayalakshmy
- 22 Banuchander
- 23 Devaraja
- 24 Jayapradhaa
- 25 Kesavan
- 26 Kumuthavalli
- 27 Sangeetha
- 28 Shakila
- 29 Bhavani
- 30 Dhanaselvi
- 31 Malathi
- 32 Parkavi



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33 Prabu
34 Ricko Anand
35 Sankari
36 Sindhuja
37 Kshama Kumari
38 Natesan
39 Pradaban
40 Anitha
41 Ayyanarappan
42 Bharanivasan
43 Kayathri
44 Parameswari
45 Saravanan
46 Selvakumari
47 Bhuvanadevi
48 Janarthanan
49 Yamunavathi
50 Anitha
51 Gowthami
52 Selvakumari

Petitioners

Vs

- 1 Pondicherry University
Rep. by its The Registrar
Puducherry-605 014.
- 2 The Controller of Examination
Pondicherry University
R.V.Nagar Kalapet
Puducherry-605 014.
- 3 Usha Latchumanan College of Education
T.V. Malai Road Vazhapadiyar Nagar
Thirukkanur Puducherry-605 501.

Respondents

Prayer: Writ of certiorarified mandamus directing the 1st and 2nd respondent to permit the petitioners to continue and complete their Teacher Education Course Viz. B.Ed. in 2nd respondent College of Education without any break or hindrance appear for all exams conducted by the 1st respondent University for the students joined in the Academic year 2016-2017 declare results or transfer to any other approved Teacher Education Institution affiliated to the 1st respondent University.

For petitioners : Mr.Kandhan Duraisami

For RR1 and 2 : Mrs.A.V.Bharathi

For R3 : Mrs.L.S.M.Yasan Fizal

W.P.No.6893 of 2018

Usha Latchumanan College of Education
(Run by SMG Anjalai Ammal Educational Society)
rep. by its Correspondent,
Vazhapadiyar Nagar
Thirukkanur Puducherry-605 501.

Petitioner

vs.

1 Pondicherry University

Rep. by its Registrar
R. Venkataraman Nagar
Kalapet Puducherry 605 014

2 The Dean
College Development Council
Affiliation Wing
Pondicherry University
R. Venkataraman Nagar Kalapet
Puducherry 605 014

3 The Controller of Examination
Pondicherry University
R. Venkataraman Nagar Kalapet
Puducherry 605 014

4 The Deputy Registrar
(Admission)
Pondicherry University
R. Venkataraman Nagar
Kalapet Puducherry 605 014

Respondents

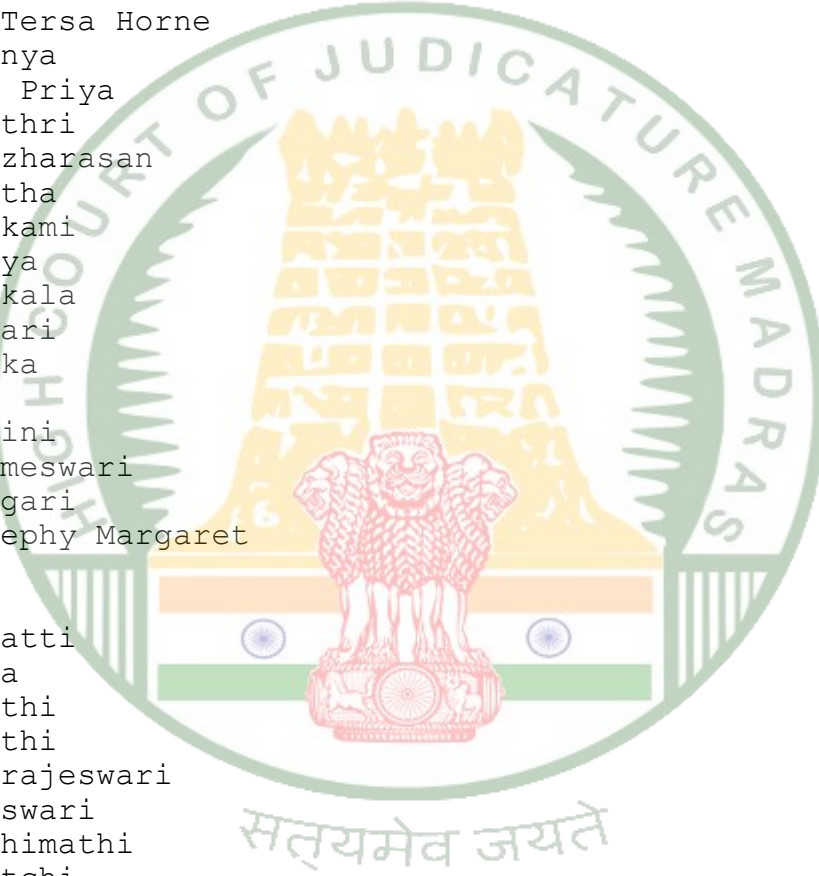
Prayer: Writ of certiorarified mandamus to call for the records culminating in the passing of PU/AW-1/24/2017-18/120 dated 11.10.2017 and the consequential PU/AW-1/24/2017-18/171 dated 05.02.2018 of the 1st respondent and quash the orders thereon and to consequently direct the respondents to extend the Provisional Affiliation to the petitioner for B.Ed 2 years course for the academic years 2017-2019 and to consequently direct the respondents to verify the certificates of the students of 2017-2019 batch of the petitioner within a time frame within a time frame to be fixed by the Honble Court and permit the students to appear for appear for theoretical examination in May - June 2018 and practical & theoretical examinations in 2019.

For petitioner : Mr.L.S.M.Hasan Fizal

For respondents : Mrs.A.V.Bharathi

W.P.No.12058 of 2018

- 1 K.Gowri
- 2 N.Subashri
- 3 M.Gomathi
- 4 P.Santhiya
- 5 M.Rohini
- 6 Sushmita Mondal
- 7 Angel Tera Horne
- 8 D.Saranya
- 9 A.Banu Priya
- 10 G.Gayathri
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- 29 R.Rajarajeswari
- 30 T.Rajeswari
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- 40 V.Pushpagavalli
- 41 V.Kannaiyan
- 42 C.Logeshwari
- 43 K.Suresh
- 44 S.Lalitha



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45 V.Saravanan
46 S.Nivetha

Petitioners

vs.

1 THE REGISTRAR
PONDICHERRY UNIVERSITY PUDUCHERRY-605 014

2 THE CONTROLLER OF EXAMINATION
PONDICHERRY UNIVERSITY R.V.NAGAR KALAPET
PUDUCHERRY-605 014

3. Usha Lachumanan College of Education
T.V.Malai Road Vazhapadiyar Nagar
Thirukkanur Puducherry-605 501. Respondents

Prayer: Writ of mandamus directing the 1st and 2nd respondents to permit the petitioners to continue and complete their Bachelor Degree in Education Course B.Ed. in the 3rd respondent college of Education without any break or hindrance appear for all examinations conducted by the 1st respondent University for the students joined in the academic year 2017-2019 declare the results or transfer to any other approved Teacher Education institution affiliated to the 1st respondent university.

For petitioners : Mr.T.Kumar

For RR1 and 2 : Mrs.A.V.Bharathi

For R3 : Mr.L.S.M.Hasan Fizal

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the Management of the College concerned, the learned Standing Counsel appearing for the University and the learned counsel appearing for the affected students for some time.

2. On going through the entire materials available on record, we find that the crux of the issue is the dispute that arose between the Management of the College and the University that is responsible for granting affiliation to the College and it appears that somehow, the College was able to run with affiliation all these years and all of a sudden the University woke up and raised some objections in granting the affiliation where arises the issue. Pending consideration of the writ

petitioners both at the instance of the College and at the instance of the students seeking affiliation and permission for the students to continue their education in the same college and appear for examinations, the learned Single Judge, while negating relief sought for by the students, directed the University to lodge a criminal complaint on coming to a prima facie conclusion that the Management of the College had cheated the students by giving false hope. Such an order is passed behind the back of the Management of the College, it is the grievance of the Management.

3. Now, it is brought to our notice that pending the writ appeal, the University has cleared the issued by granting the affiliation. We also find that the issue of granting affiliation has not arisen overnight, rather it was all along streaming for a long period and the lis revolving around the same were parallel ones and therefore, there is no question of the Management cheating the students. In such view of the matter, we find that the direction issued by the learned Single Judge to lodge a criminal complaint against the Management of the College is unwarranted and therefore, the FIR which is the outcome of such order also becomes redundant. Accordingly, it stands quashed.

4. In view of the above development viz., granting of affiliation by the University around which alone all the lis came to be initiated, we find that all the above writ appeals and writ petitions becomes infructuous and the learned counsel appearing for the respective parties who initiated such writ appeals and writ petitions withdrew the same by making necessary endorsements. Accordingly, all the above writ appeals and writ petitions are dismissed as withdrawn. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Registrar
Pondicherry University
R.Venkataraman Nagar
Kalapet Puducherry 605 014.

2 The Dean (I/C)
College Development Council
Affiliation Wing Pondicherry University
R.Venkataraman Nagar Kalapet
Puducherry 605 014.

3 The Controller of Examinations
Pondicherry University
R.Venkataraman Nagar
Kalapet Puducherry 605 014.

4 The Deputy Registrar
(Admission)
Pondicherry University
R.Venkataraman Nagar Kalapet
Puducherry 605 014.

5. Usha Lachumanan College of Education
T.V.Malai Road Vazhapadiyar Nagar
Thirukkanur, Puducherry-.605 501.

6. The Dean,
College Development Council
Affiliation Wing Pondicherry University,
R.Venkataraman Nagar, Kalapet,
Puducherry 605 014.

+7cc to M/s.A.V.Bharathi, Advocate SR.No.65417, 65418

+1cc to Mr.Muthumani Doraisami, Advocate SR.No.65407

W.A.No.1215 of 2018, etc.

SVN(CO)
GMY(21/12/2018)

सत्यमेव जयते

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