

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2018

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.33574 of 2017
and
WMP.No.37102 of 2017

Ms.S.R.Sai Priya

... Petitioner

Vs.

- 1.University Grants Commission,
South Campus, University of Delhi,
Benito Juarez Marg,
New Delhi, Delhi-110 021.
- 2.The Secretary,
Bar Council of India,
No.21, Rouse Avenue Institutional Area,
New Delhi-110 002.
- 3.The Registrar,
Saveetha University,
No.162, Poonamalle High Road,
Velappanchavadi,
Chennai-600 077

.... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to return the original certificates viz. X Marksheet, XII Marksheet, Transfer Certificate and also to refund the fees and other charges collected from the petitioner forthwith.

For Petitioner : Mr.Venkatachalapathy
Senior Counsel
for M/s.M.Sriram

For Respondents : Mr.P.R.Gopinathan
Standing Counsel (for RR1)
: Mr.S.Saravanan (for R3)

O R D E R

This Writ Petition has been filed for a Mandamus directing the respondents to return the original certificates viz. X and XII Mark sheets and Transfer Certificate and also to refund the fees and other charges collected from the petitioner forthwith.

2. It is the case of the petitioner that, she was admitted in the 3rd respondent-University to pursue B.B.A., L.L.B.(Hons) Course for the academic year 2017-2018. At that time, she had paid a sum of Rs.2,42,500/- towards Tuition Fee and Rs.72,000/- as hostel fees and has been regularly attending the classes. Whiles, the petitioner came to know that the 3rd respondent-University is not an affiliated one and the 1st respondent had issued notice dated 11.04.2017 to the 3rd respondent to close immediately the faculty of law and shall not open any new course (s)/Department(s)/Program(s) without the approval of UGC. The said notice was challenged by the 3rd respondent in W.P.No.4606 of 2017 before the Hon'ble High Court, New Delhi, wherein an interim order dated 30.05.2017 was passed, which reads as under:

"Till the next date of hearing, the operation of the impugned letter dated April 11, 2017 shall remain stayed. As the petitioner has not issued advertisement(s) calling for applications for admission in the Law Course for the next academic session i.e.2017-18, it is made clear that the Petitioner shall inform the public at large(including the applications/students) by incorporating a statement about the pendency of these proceedings in this court, against the communication dated April 11, 2017. The advertisement put on the website shall also include a similar statement. If the advertisement has already been issued, necessary corrigendum shall be issued. The petitioner shall not claim any equity if the Petition is finally dismissed."

3.It is the further case of the petitioner that, the 3rd respondent had not complied with the conditional order dated 30.05.2017, instead, admitted the students for Law Course for the academic year 2017-18 and collected Tuition Fees and Hostel Fees etc and collected all the original certificates from the students. When an explanation was sought for by the petitioner in this regard, the 3rd respondent had issued indefinite closure notice dated 11.12.2017 and directed the hostilities to vacate the hostel on or before 12.12.2017. Though complaints given to the police authorities, no action was taken against the 3rd

respondent. Hence, the petitioner has made a representation on 18.12.2017, before the 3rd respondent to return the Tuition Fees, Hostel Fees and all the Original Certificates collected from her, so as to pursue her studies at some other educational institution, however, the same was not considered so far. Hence, this writ petition.

4.Heard Mr.Venkatachalapathy, learned Senior Counsel appearing on behalf of Mr.M.Sriram, learned counsel for the petitioner and Mr.P.R.Gopinathan, learned standing counsel for the first respondent and Mr.S.Saravanan, learned counsel for the third respondent.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, to give quietus to the issue, this Court is inclined to direct the petitioner to submit a fresh representation, claiming all the relief sought for in this writ petition to the 3rd respondent, along with a copy of this order within a period of two weeks from the date of receipt of copy of this Order. The 3rd respondent is directed to consider the same and pass appropriate orders, within one week thereafter.

6.With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

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To

1. University Grants Commission,
South Campus, University of Delhi,
Benito Juarez Marg,
New Delhi, Delhi-110 021.
- 2.The Secretary,
Bar Council of India,
No.21, Rouse Avenue Institutional Area,
New Delhi-110 002.

3.The Registrar,
Saveetha University,
No.162, Poonamalle High Road,
Velappanchavadi,
Chennai-600 077.

+1cc to Mr.M.Sriram, Advocate SR.No.4731
+1cc to Mr.S.Saravanan, Advocate SR.No.4501
+1cc to Mr.P.R.Gopinathan, Advocate SR.No.4496

W.P.No.33574 of 2017
and WMP.No.37102 of 2017

SSD(CO)
GN(23/01/2018)



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