

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.05.2018
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12176 & 12177 of 2018
and
W.M.P.Nos.14206, 14207 & 14208 of 2018

Acchutha Institute of Optometry,
Rep.by its Director,
Dr.C.Balasubramaniam,
at H-3, EVN Road, Periyar Nagar,
Erode - 638 009. ..Petitioner in W.P.No.12176/2018

Global Institutions,
Rep.by its Director,
D.Sridhar,
having Head Office at
317/3, Perumal Koil Street,
Swarnapuri, Salem - 636 007,
having Administrative office at
No.33 Kothukara Street,
Veerapan Chatram,
Erode - 638 004. ..Petitioner in W.P.No.12177/2018

vs

1.The Syndicate,
Periyar University,
Periyar Palkalai Nagar,
Salem - 636 011.

2.The Director,
Periyar University,
Periyar Palkalai Nagar,
Salem - 636 011.

.. Respondents in both W.Ps

Prayer in W.P.No.12176 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd Respondent herein in his proceeding No.Pe.Pa./Pe.Tho.Ka.Ni./P1/2018 dated 19.04.2018 and quash the same and consequently direct the Respondents herein to permit the petitioner to offer B.Sc Optometry (Four years UG Course) and M.Sc.Optomety(Two Years PG Course) for the present academic year namely 2018-19 and continuously.

Prayer in W.P.No.12177 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd Respondent herein in his proceeding No.Pe.Pa./Pe.Tho.Ka.Ni./P1/2018 dated 19.04.2018 and quash the same and consequently direct the Respondents herein to permit the petitioner to offer B.Sc Optometry (Four years UG Course) for the present academic year namely 2018-19 and continuously.

For Petitioner : Mr.K.Raja(in both W.Ps)

For Respondents : Mr.P.Godson Swaminath(in both W.Ps)

C O M M O N O R D E R

The learned counsel appearing on behalf of the writ petitioners now restricts the relief sought for in these writ petitions by stating that it is suffice, if a direction is issued to the 1st respondents/University to consider the representation and further, permit the petitioners to submit a fresh representation in respect of the grievances of the writ petitioners for the purpose of admitting the students in the academic year 2018-2019.

2.The learned counsel appearing on behalf of the writ petitioners contended that the impugned order dated 19.04.2018 is non speaking and further, the grounds raised on behalf of the writ petitioners were not considered by the respondents/University. In any event, the petitioner would sent a fresh representation along with all the documents and the 1st respondents/University has to consider the same on merits and pass orders.

3.The learned counsel appearing on behalf of the respondents/University contended that the University will consider the representation if any submitted by the writ petitioner, pursuant to the order of this Court. However, till the representations are considered and a decision is taken and the orders are passed and communicated to the writ petitioners, no admission should be made in respect of the current academic year 2018-2019.

4.Considering the limited submissions made, both by the learned counsel for the petitioner and the learned counsel for the respondents/University, this Court is inclined to permit the petitioner to submit a fresh representation, setting out all grievances along with the documents, if any and send the same to the respondents/University within a period of three days from the date of receipt of copy of this order. In the event of

receiving any such representation from the writ petitioner, the respondents/University is directed to consider the same on merits and in accordance with law and pass orders within a period of four weeks thereafter. Till the order passed by the respondents/University is communicated to the writ petitioner, no admission in respect of the courses referred in the impugned order should be made by the writ petitioner for the academic year 2018-2019. The respondents/University shall consider the representation independently uninfluenced by the decision taken in the impugned order.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Syndicate, Periyar University,
Periyar Palkalai Nagar,
Salem - 636 011.
- 2.The Director, Periyar University,
Periyar Palkalai Nagar,
Salem - 636 011.

+2cc to Mr.K.Raja, Advocate, S.R.No.33582,33583

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W.P.No.12176 & 12177 of 2018

NMI (CO)

RRK (14/05/2018)

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