

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.19678 of 2017
and
WMP.No.21233 of 2017

Association of Self Financing Arts, Science and
Management Colleges of Tamil Nadu
rep. by its President ... Petitioner

Vs

1.The Government of India,
rep. by Secretary to Government,
Ministry of Human Resources Development,
New Delhi.

2.The University Grants Commission,
rep. by its Secretary
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

3.The Government of Tamil Nadu,
rep. By its Secretary to Government,
Higher Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.

4.The Bharathiyar University,
rep. by its Registrar,
Coimbatore - 641 046.

5.Karunya University,
rep. by its Chancellor and Managing Trustee,
No.16, Dr.DGS Dinakaran Road,
Chennai - 600 028.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to forthwith take action against the fifth respondent herein and close the off-campus centres started by

the fifth respondent at Periyanaicken Palayam, Mettupalayam Road between Periyanaicken Palayam & Karamadai, Coimbatore 641 019 and near Lakshmi Mills Signal, Amman Kulam Road, Coimbatore 641 037 and forbear the fifth respondent from admitting students to courses/programmes offered in such off-campus centres and from continuing such courses/programmes and conferring degrees therefor.

For Petitioner : Mr.V.G.Sureshkumar
For R1 : Mr.P.Ayyaswamy
For R2 : Mr.P.R.Gopinathan
For R3 : Mr.A.Rajaperumal, AGP
For R4 : Mr.V.Selvaraj
For R5 : Mr.G.Masilamani, SC for
Mr.P.Ebenezer Paul

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 to 4 to forthwith take action against the fifth respondent and close the off-campus centres started by the fifth respondent at Coimbatore and forbearing the fifth respondent from admitting the students to the courses/programmes offered in such off-campus centres and from continuing such courses/programmes and conferring degrees.

2.On 02.11.2017, when the matter was taken up for hearing, this Court has directed the fifth respondent to file an undertaking affidavit with regard to the closure of all the off-campus centres started by them, within a period of four weeks. This Court has also directed the official respondents to file counter affidavit.

3.Accordingly, the second respondent -UGC filed a detailed counter affidavit dated 07.11.2017, wherein, in para 16, it has been averred as follows:

"It is most respectfully submitted that when the issue of starting of new centres and new courses by the Karunya Deemed University, the 5th respondent arrayed in the above writ petition was brought to the notice of this respondent commission by the 5th respondent's letter dated 1.6.2017, this respondent commission vide its letter dated 10.10.2017 had categorically replied to the 5th respondent Deemed University as follows:

(i)As such, the Institutions Deemed to be Universities placed under Category 'B' by

Tandon Committee including Karunya Institute of Technology and Sciences, the 5th respondent herein cannot expand their activities at present. The expansion includes starting of new centres, new departments, new courses, off-campus etc. Such expansion can be permitted only after the review exercise presently conducted by the UGC is over and the continuation of deemed to be university status is agreed by the UGC Expert Committee, UGC and finally by the Government of India. The permission is also subject to fulfilment of all the conditions stipulated in the UGC (Institutions deemed to be Universities) Regulations, 2016 and on submission of proposal by the Deemed to be University in the prescribed format.

(ii) Karunya Institute of Technology and Sciences was granted deemed to be University status for 3 years for the period from 23.06.2004 to 22.06.2007 and further continuation is yet to be granted by the MHRD.

Hence, in view of the above, this respondent commission had directed the 5th respondent/Karunya Deemed University to immediately discontinue the centre(s) and courses started without the approval of UGC. Degrees awarded by the deemed to be university to the students studying in such centres and courses will not be treated as valid by the UGC for the purpose of Higher Studies and Employment. Further, the 5th respondent Deemed to be University should submit its compliance report in respect of the above within one month from the receipt of the letter mentioned supra."

4.As directed by this Court, the fifth respondent filed an affidavit dated 12.11.2017, wherein, the following undertaking has been given by them:

"The fifth respondent deemed to be University undertakes to close the two off campus centres at (1)Papanayakkanpalayam, Coimbatore and (2)Periyanayakkanpalayam, Coimbatore, by the end of December 2017, and provide alternative arrangements to all the students admitted in the off campus centres."

5.Subsequently, the fifth respondent filed another affidavit dated 4.12.2017 with regard to the alternative arrangements. In continuation of the same, the fifth respondent filed an affidavit on 31.01.2018, wherein, in para 3, it has been averred as follows:

"It is submitted that semester examinations for the students were conducted by the fifth respondent Deemed to be University and the mark statements were issued to the students already. The courses offered is not complete and the students having been undergoing respective courses now in the main campus the remaining semester examinations will be conducted by the 5th respondent Deemed to be University and degrees will be awarded by the 5th respondent Deemed to be University i.e., the Karunya Institute of Technology and Sciences, Karunya Nagar Coimbatore -14. Thus, the students are not going to be affected in any manner as they will get degree from the Karunya Institute of Technology and Sciences Karunya Nagar, Coimbatore -14."

6.In the light of the above averments stated in the counter affidavit filed by the second respondent and in the affidavits filed by the fifth respondents, this Court is of the opinion that since the prayer made by the petitioner has been meted out, no further order is required in this writ petition.

7.Hence, recording the same, this writ petition stands closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Government of India,
rep. by Secretary to Government,
Ministry of Human Resources Development,
New Delhi.

2.The University Grants Commission,
rep. by its Secretary
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

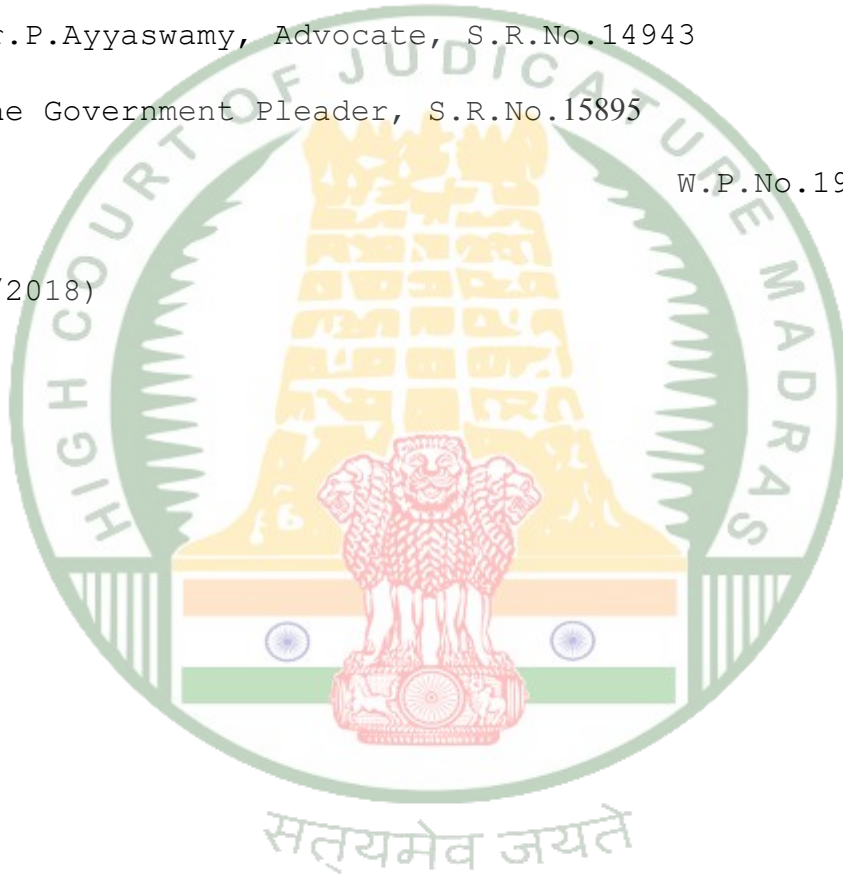
3.The Government of Tamil Nadu,
rep. By its Secretary to Government,
Higher Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.

+1cc to Mr.P.Ayyaswamy, Advocate, S.R.No.14943

+1cc to the Government Pleader, S.R.No.15895

W.P.No.19678 of 2017

ev(CO)
GSP(11/04/2018)



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