

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.14406 to 14410, 13036, 13037, 13089, 13153, 15135,
13500, 13845, 15387, 15420 and 16256 of 2018

and

W.M.P.Nos.17006 to 17012, 15316 to 15319, 15384, 15385, 15462,
15463, 17947, 17948, 15896, 15897, 18278, 18295, 18296, 19359
and 19360 of 2018

THE TIPSGLOBAL INSTITUTE ... PETITIONER in WP No.14406/18
(A UNIT OF TIPS TECH PVT. LTD.) REP. BY ITS
DIRECTOR D.KARTHIKEYAN SF 361/1A3
KARUVALUR ROAD MG CHETTIPALAYAM
COIMBATORE-641 107.

THE TIPSGLOBAL INSTITUTE ... PETITIONER in WP No.14407/18
REP. BY ITS AUTHORIZED SIGNATORY
D.KARTHIKEYAN NO.50/51 FIRST MAIN ROAD
PERUNGUDI INDUSTRIAL ESTATE CHENNAI-95.

GIBS BUSINESS SCHOOL ... PETITIONER in WP No.14408/18
REP. BY ITS DIRECTOR DR.K.APARNA RAO
THAMAPURA GUMBLAPUR CHECK POST THALLI
TAMIL NADU-635 118.

PADMARAJAM COLLEGE OF ... PETITIONER in WP No.14409/18
MANAGEMENT REP. BY ITS CHAIRMAN MR.PA.
BALAN NO.10 KALPALAM ROAD GORIPALAYAM
MADURAI-625 002.

REX GROUP OF INSTITUTIONS ... PETITIONER in WP No.14410/18
REP. BY ITS PRINCIPAL MR.R.ARIVALAGAN NO.
89/1B S.K.N.V. COMPLEX CHINNAKULAM
MARIYAMMAN KOIL STREET TIRUPATTUR-635 601
VELLORE DISTRICT

INDIAN INSTITUTE OF LOGISTICS ... PETITIONER in WP No.13036/18
REP.BY DIRECTOR CAPTAIN V.J.PUSHPA KUMAR
S/O.V.J.POORNACHANDRA RAO NO.6 ESPLANADE
SOUTH INDIAN CHAMBER BUILDING 2ND FLR.
BROADWAY CHENNAI-108.

IIKM BUSINESS SCHOOL ... PETITIONER in WP No.13037/18
REP. BY ITS AUTHORIZED SIGNATORY MR.R.N.
SABU S/O.LATE.RAJAPPEN NO.110 STERLING
ROAD NUNGAMBAKKAM CHENNAI-600 034.

KASTURI INSTITUTE OF ... PETITIONER in WP No.13089/18
MANAGEMENT STUDIES REP. BY ITS PRINCIPAL MR.
M.SELVARAJ 1A ARANGASWAMY NAGAR CIVIL
AERODROME POST COIMBATORE - 641014

OSCAR INSTITUTE OF MANAGEMENT ... PETITIONER in WP No.13153/18
REP. BY ITS AUTHORIZED SIGNATORY N. NARMAN
BLINN S/O G. NARASIMHAN A/2 ARCOT ROAD
NEAR COLLECTORATE OFFICE SATHUVACHARI
VELLORE 632 009

NEHRU COLLEGE OF AERONAUTICS
AND APPLIED SCIENCES,
REP. BY ITS DIRECTOR, DR. P. KRISHNA KUMAR,
S/O. P.K. DOS (LATE), NO. 451 D,
PALAKKAD MAIN ROAD, KUNIAMUTHUR,
COIMBATORE - 008 ... PETITIONER in WP No.15135/18

TAMIL INSTITUTE OF SCIENCE AND ... PETITIONER in WP No.13500/18
MANAGEMENT REP. BY ITS MANAGING DIRECTOR A.
ALAGUMANIKANDAN NO. 20 SALAYAM STREET
ETTAYAPURAM ROAD VILLATHIKULAM TK
THOOTHUKUDI

SREE NARAYANAGURU INSTITUTE ... PETITIONER in WP No.13845/18
OF SCIENCE AND MANAGEMENT REP BY ITS
DIRECTOR MR.SHIJIU ISSAC S/O.K.G.ISSAC NH-
47 PALAKKAD MAIN RD KG CHAVADI
COIMBATORE-641105

ANNA SCHOOL OF MANAGEMENT ... PETITIONER in WP No.15387/18
REP. BY ITS CHAIRMAN MR.B.ANNA DURAI 106-
1/2 VAKKIL NEW STREET SIMMAKKAL
MADURAI-625 001.

ALFAA INSTITUTE OF HOTEL ... PETITIONER in WP No.15420/18
MANAGEMENT AND CATERING TECHNOLOGY REP. BY
ITS SECRETARY MRS.P.RADHA NO.23 KAMALA
2ND STREET CHINNA CHOCKIKKULAM
MADURAI-625 002.

BHARATHIAR UNIVERSITY CCII ... PETITIONER in WP No.16256/18
STUDENTS AND PARTNERS WELFARE ASSOCIATION
REP. BY ITS PRESIDENT DR.CHEF S.VINOTH KUMAR
NO.55 SESHACHALAM STREET SAIDAPET
CHENNAI-600 015

VS.

1. THE STATE OF TAMIL NADU,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
HIGHER EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.
2. THE REGISTRAR,
BHARATHIAR UNIVERSITY,
MARUTHAMALAI MAIN ROAD,
COIMBATORE-641 046.
3. THE SECRETARY,
UNIVERSITY GRANTS COMMISSION,
BAHADUR SHA ZAFAR MARG,
NEW DELHI-110 002. ...RESPONDENTS IN W.P.NO.14406 TO 14410,
13036, 13037,13153, 13500,
13845, 15387, 15420 OF 2018

- 1 BHARATHIAR UNIVERSITY
REP. BY ITS DIRECTOR IN-CHARGE SCHOOL OF
DISTANCE EDUCATION COIMBATORE-641 046
- 2 GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY HIGHER EDUCATION
DEPARTMENT FORT ST. GEORGE CHENNAI-600 009.

... RESPONDENT IN WP NO.16256 OF 2018

1 THE STATE OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY,
HIGHER EDUCATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 600009

2 THE REGISTRAR BHARATHIAR UNIVERSITY,
MARUTHAMALAI MAIN ROAD,
COIMBATORE - 641046 ... RESPONDENT IN WP.15135 OF 2018

Writ Petition No.14406 of 2018 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to renew the Memorandum of Understanding for a period of three years from 21.05.2018 and consequently direct the second respondent to permit the petitioner-College to admit students for the programmes B.Com (Finance), B.Com., B.B.A., B.Sc. (Human Biology), B.Sc. (Textile and Fashion Design), MBA (Entrepreneurship Management), 5 year Integrated M.Sc. in Health Care Systems and Life Science, Interior and Building Design and Fashion Design and 5 year Integrated MBA in Technical Entrepreneurship for the academic year 2018-2019 within the territorial jurisdiction of State of Tamil Nadu.

WP No.14406 of 2018
Directing the 2nd respondent to renew the Memorandum of Understanding for a period of 3 years from 21.5.2018 and consequently direct the 2nd respondent to permit the petitioner College to admit students for the programmes B.Com., (Finance), B.Com., BBA, B.Sc., (Human Biology), B.Sc., (Textile and Fashion Design), MBA (Entrepreneurship Management), 5 year Integrated M.Sc., in Health Care Systems and Life Science, Interior and Building Design and Fashion Design and 5 Year Integrated MBA in Technical Entrepreneurship for the Academic Year 2018-2019 within the territorial jurisdiction of State of Tamil Nadu

WP No.14407 of 2018
Forbearing the 2nd respondent from cancelling the Memorandum of Understanding dated 14.7.2017 and consequently direct the 2nd respondent to permit the petitioner institute to admit students for the programmes B.Sc., (Textile and Fashion Design) for the Academic Year 2018-2019 within the territorial jurisdiction of State of Tamil Nadu

WP No.14408 of 2018
Forbearing the 2nd respondent from terminating the Memorandum of Understanding dated 4.9.2015 and consequently direct the 2nd respondent to permit the petitioner institute to admit students for the programmes MBA (All Branches) programme within the territorial jurisdiction of State of Tamil Nadu

WP No.14409 of 2018

Forbearing the 2nd respondent from cancelling the Memorandum of Understanding dated 8.8.2012, renewed subsequently upto 8.8.2018, and consequently direct the 2nd respondent to permit the petitioner institute to admit students for the programmes BBA and B.Com (Professional Accounting) for the Academic Year 2018-2019 within the territorial jurisdiction of State of Tamil Nadu

WP No.14410 of 2018

Forbearing the 2nd respondent from terminating the Memorandum of Understanding dated 19.9.2016 and consequently direct the 2nd respondent to permit the petitioner institute to admit students for the programmes B.Sc., (Clinical Laboratory), B.Sc., (Visual Communication), B.Sc., (Physician Assistant) and MBA (Finance, Human Resource Management and Event Management) within the territorial jurisdiction of State of Tamil Nadu

WP No.13036 of 2018

Forbearing the 2nd respondent from cancelling the memorandum of understanding dated 22.02.2012, renewed subsequently till 21.02.2021 and consequently direct the 3rd respondent to permit the petitioner Institute to admit students for the programmes BBA- Logistics and Shipping, B.Com Logistics & Shipping, B.Sc., (IT and Logistics) MBA- Logistics and Shipping and Advanced Diploma, Logistics and Shipping for the academic year 2018-2019 within the territorial jurisdiction of State of Tamil Nadu

WP No.13037 of 2018

Forbearing the 2nd respondent from cancelling the memorandum of understanding dated 05.10.2009, renewed upto 12.08.2018 and consequently direct the 2nd respondent to permit the petitioner Institute to admit students for the programmes MBA in Airline and Airport Management, marketing, Human Resource, Finance, Systems, Logistics and Shipping, Bachelor of Business Administration (BBA) in Aviation Management, Logistics and Shipping for the academic year 2018-2019 within the territorial jurisdiction of State of Tamil Nadu

WP No.13089 of 2018

calling for the records comprised in resolution in Item No. 091-SI.Nos 3 and 5 passed in the 304th Meeting of the syndicate held on 18.5.2018 on the file of the second respondent and the consequential circular ref. BU/SDE/All study Centres (TN)- Approval withdrawn/ Notice / 2018 dated 25.05.2018 on the file of the 3rd respondent quash the same

WP No.13153 of 2018

forbearing the 2nd respondent from cancelling the Memorandum of Understanding dated 06.09.2010 renewed up to August 2019 and

consequently direct the 2nd respondent to permit the Petitioner Institute to admit students for the Programmes B.Sc. (Catering Science and Hotel Management), B.Sc. Clinical Lab Technology), B.Sc., (Optometry) and B.Sc., (Physician Assistance) for the academic year 2018-2019 within the territorial jurisdiction of State of Tamil Nadu

WP No.15135 of 2018

Forbearing the 2nd respondent from cancelling the memorandum of Understanding dated 29.06.2015 and consequently direct the 2nd respondent to renew the Memorandum of Understanding enabling the petitioner Institute to admit students for the programmes B.B.A (Aviation Management), B.Sc. (Aircraft Maintenance Science) and Diploma in Airport Ramp Services for the academic Year 2018-2019 within the territorial jurisdiction of State of Tamil Nadu

WP No.13500 of 2018

forbearing the 2nd respondent from cancelling the memorandum of understanding dated 20.08.2015 and consequently direct the 2nd respondent to permit the petitioner institute to admit students for the programmes B.Sc. (Catering Science and Hotel Management) and MBA (Tourism and Hotel Management) for the academic year 2018 - 2019 within the territorial jurisdiction of State of Tamil Nadu

WP No.13845 of 2018

forbearing the 2nd respondent from cancelling the Memorandum of Understanding dated 24.04.2017 which could be renewed up to 23.04.2020 and consequently direct the 2nd respondent to permit the petitioner Institute to admit students for the programmes B.Sc. (Optometry), B.Sc. (Interior design), B.Sc., (Forensic Science), B.Sc. (Health Safety Environment), M.B.A (Agriculture and Food Business Management) B.Sc. (Renewable Energy) for the academic year 2018- 2019 within the territorial jurisdiction of State of Tamil Nadu

WP No.15387 of 2018

Forbearing the 2nd respondent from terminating the Memorandum of Understanding dated 30.09.2016, and consequently direct the 2nd respondent to permit the petitioner Institute to admit students for the programmes MBA (Aviation Management), MBA (Marketing management), B.Sc., (Fashion Design and Technology), B.Sc., (Catering Science and Hotel Management) B.Com., CA, BBA (Aviation Management), B.Sc., (Visual Communication), Diploma in Fashion Designing and Apparel Production, M.Sc., (Optometry), and B.Sc., (Optometry) within the territorial jurisdiction of State of Tamil Nadu

WP No.15420 of 2018

Forbearing the 2nd respondent from cancelling the Memorandum of

understanding dated 31.10.2012, subsequently renewed upto 30.10.2018 and consequently direct the 2nd respondent to permit the petitioner institute to admit students for the programmes B.A., (Tourism and Travel Management), B.Sc., (Catering Science and Hotel Management) and MBA (All Branches) from the academic year 2018-2019 within the territorial jurisdiction of State of Tamil Nadu

WP No.16256 of 2018

Calling for the records in impugned circular in BU/SDE/All Study Centres (TN) - approval withdrawn/notice/2018 dated 25.05.2018 on the file of the 1st respondent herein and quash the same and direct the 1st respondent to issue renewal of approval and affiliations to the members of the petitioner Association for a period of two years and above

For petitioner in
W.P.No.14406 to 14410 & 13036,
13033, 13500, 15387, 154420,
13153 of 2018: Mr.Jayesh B.Dolia for M/s.Aiyar and Dolia

W.P.NO.13089 OF 2018 : G.M.PALANIAPPAN.
W.P.NO.15135 OF 2018 : G.SANGEETHA.
W.P.NO.13845 OF 2018 : R.RAMACHANDRAN.
W.P.NO.16256 OF 2018 : S.SADASHARAM.

For respondents in W.P.No.14406 TO 14410,
13036, 13037, 13089, 13153, 15135,
13500, 13845, 15387, 15420,
16256 of 2018 : Mr.C.Munusamy, Spl.G.P. for R-1
Mr.V.Selvaraj for R-2
Mr.P.R.Gopinathan for R-3

COMMON ORDER

The petitioner-Institutions are conducting various courses under the respondent-Bharathiyar University. A Memorandum of Understanding was entered into between the petitioner-Institutions and the University in that regard. In these Writ Petitions, the petitioner-Institutions seek to renew the Memorandum of Understanding / forbear the University from cancelling the Memorandum of Understanding.

2. This Court cannot give a direction to renew / cancel the Memorandum of Understanding once the period is expired. It is between the parties to agree mutually for extension. The petitioner-Institutions are entitled to admit the students till the date of the Memorandum of Understanding is in force. Beyond that, the petitioner-Institutions, cannot as a matter of right,

demand admission of students. Indirectly admitting the students and making the students to approach the Court, will be viewed seriously. The University is bound to follow the norms and the guidelines issued by UGC. The guidelines issued by the UGC can only be prospective and it cannot nullify the Memorandum of Understanding already entered into between the parties.

3. Learned counsel for the University submitted that the University has already filed an Undertaking Affidavit before Hon'ble Mr.Justice N.Kirubakaran, on 08.12.2017 in the earlier round of litigation to the effect that they will not operate Distance Education Study Centres and will not grant affiliation and recognition relating to Distance Education to be conducted outside the State of Tamil Nadu from the academic year 2018-19.

4. The said Undertaking given before Hon'ble Mr.Justice N.Kirubakaran cannot nullify the Memorandum of Understanding already entered into between the parties and it is only futuristic, i.e. no Study Centre would be permitted to operate outside the State of Tamil Nadu. Once the period of Memorandum of Understanding has expired, it can't be extended.

5. With the above observations, these Writ Petitions are disposed of. No costs. Consequently, W.M.Ps. are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

CS

TO

1. THE STATE OF TAMIL NADU,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
HIGHER EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.

2. THE REGISTRAR,
BHARATHIAR UNIVERSITY,
MARUTHAMALAI MAIN ROAD,
COIMBATORE-641 046.

3. THE SECRETARY,
UNIVERSITY GRANTS COMMISSION,
BAHADUR SHA ZAFAR MARG,
NEW DELHI-110 002.

4. THE DIRECTOR,
SCHOOL OF DISTANCE EDUCATION,
BHARATHIAR UNIVERSITY,
COIMBATORE 641 046.

+1cc to Mr.V.SELVARAJ, Advocate, S.R.No. 49326
+10 cc to Mr.AIYAR & DOLIA, Advocate, S.R.No.49497,49498,
49500, 49501, 49502, 49503, 49504, 49505, 49506, 49507
+1cc to Mr.G.RM.PALANIAPPAN, Advocate, S.R.No. 49616
+1cc to Mr.S.SADASHARAM, Advocate, S.R.No. 49260
+1cc to Mr.R.RAMACHANDRAN, Advocate, S.R.No. 50130

+1cc to M/s. Aiyar & Dolia, Advocate SR.No. 49499(04/09/2018)
+1cc to MR. G.Sangeetha, Advocate SR.No. 49618(06/09/2018)

W.P.No.14406 of 2018, etc. batch

PP(CO)
TR(31/08/2018)



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