

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.10.2018
CORAM
THE HON'BLE MR.JUSTICE S.S.SUNDAR
W.P.No. 28851 of 2018
and
W.M.P.Nos. 33701 & 33703 of 2018

Global Institutions
Rep. by its Director Mr.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

Vs.

1. The State of Tamil Nadu
represented by its Principal Secretary
Higher Education Department
Fort St. George, Chennai □ 600 009.

2. The Registrar
Periyar University
Periyar Palkalai Nagar
Salem □ 636 011.

3. The Director (UICP)
Periyar University
Periyar Palkalai Nagar,
Salem □ 636 011.

4. The Secretary
University Grants Commission
Bahadur Sha Zafar Marg
New Delhi -110 002. ... Respondents

Prayer: 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 circular issued by the third respondent herein in his proceeding PU/UICP/CIRCULAR/001/2018 dated 10.10.2018 and quash the same and consequently forbear the second and third respondents from cancelling the memorandum of Understanding dated 23.11.2016 so as to enable the petitioner Institute to continue the courses for the Diploma in Optometry (2 years), Diploma in Clinical Lab Technology (2 years), Diploma in Radio Imaging Technology (2 years), Diploma in Operation Theatre Techniques (2 years) and Diploma in Critical care management (2 years) for the present academic year of 2018-2019.

For Petitioner : Mr. K.Raja

For RR 2 & 3 : Mr. P.Godson Swaminathan

For 4th Respondent : Mr.P.R.Gopinath

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned circular issued by the third respondent dated 10.10.2018 and consequently to forbear the second and third respondents from cancelling the memorandum of Understanding dated 23.11.2016 so as to enable the petitioner Institute to continue the courses for the Diploma in Optometry (2 years), Diploma in Clinical Lab Technology (2 years), Diploma in Radio Imaging Technology (2 years), Diploma in Operation Theatre Techniques (2 years) and Diploma in Critical care management (2 years) for the present academic year of 2018-2019.

2. The petitioner Institution is run by a Trust. It is stated that the petitioner Institution has been offering several courses, for which the second respondent has given recognition from the year 2016-2017. It is further stated that in furtherance of such recognition, a Memorandum of Understanding was entered into between the petitioner Institution and the second respondent. Though the students, who were admitted in the courses offered by the petitioner are pursuing their studies continuously, it is stated that the third respondent has issued the impugned communication whereby the petitioner Institution was directed not to admit any students for any of the courses offered by the petitioner Institution on the basis of the Memorandum of Understanding, which has entered into between the petitioner and the second respondent and the said order is challenged in the present Writ Petition.

3. Relying upon the Memorandum of Understanding and the fact that the impugned circular was issued by the third respondent without giving any notice or opportunity to the petitioner, the above Writ Petition has been filed.

4. Though the petitioner has raised some grounds touching the inconvenience and the prejudice that is likely to be caused to the petitioner Institution and other grounds questioning the authority of the third respondent, the fare fact admitted in this case is that the courses offered by the petitioner Institution referred to in the impugned order are all courses relating to medical education.

5. From the University Grant Commission Act and the Medical Council of India Act, it can be understood that the University can offer courses only if the programme of the University is fully recognised by the Medical Council of India. It is only in respect of those courses, which have been authorised by the University without the approval of Medical Council of India or any other statutory body, the University Grant Commissioner appears to have issued some direction. It is only on the basis of such direction by UGC, the impugned order has been passed. The impugned order is in public interest and it can never be cherished or acknowledged either by Medical Council of India or by University Grant Commission that any University, which is authorised to confer degrees and certificates for completing courses which are recognised by the authorised Central Government or statutory bodies, can offer courses, which are not even permitted by the central bodies. Under such circumstances, the prayer sought for in this Writ Petition cannot be countenanced and lacks merits.

6. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

31.10.2018

Index: Yes/No.

Internet: Yes/No

vsg

To

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State of Tamil Nadu
Higher Education Department
Fort St. George, Chennai - 600 009.

S.S.SUNDAR, J.
vsg

2. The Registrar
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