



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P. (MD)No.23432 of 2019

Rev.P.Moses Jebaraj,
Secretary cum Correspondent,
Bishop Azariah Arts and Science College,
Vellanvilai,
Thoothukudi District - 628 219. ... Petitioner

Vs.

1.The Director,
College Development Council,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli.

2.The Dean,
College Development Council,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli.

3.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli. ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to issue Form 5 as per Rule 6 of the Tamil Nadu Private College (Regulation) Rules, 1976 and process the application of the petitioner for the establishment of 'Bishop Azariah Arts and Science College'.

For Petitioner : Mr.P.Pethu Rajesh
for Mr.Kingsly Solomon

For Respondents : Mr.E.Mareeskumar
for M/s Ajmal Associates

ORDER

Mr.P.Pethu Rajesh representing Counsel on record for writ petitioner and Mr.E.Mareeskumar of M/s Ajmal Associates (law firm)
<https://hcservices.ecourts.gov.in/hcservices/>



for all three respondents are before this Court.

2. With consent of learned Counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

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3. Notwithstanding very many averments made in the affidavit filed in support of instant writ petition and notwithstanding very many grounds raised / contentions canvassed in the writ affidavit, learned Counsel for writ petitioner abridges the scope of instant writ petition as well as the prayer and submits that it will suffice if the respondents are directed to issue Form 5, as per Rule 6 of the Tamil Nadu Private Colleges (Regulations) Rules, 1976 ('said Rules' for brevity), so that the writ petitioner can make an application which can be processed on its own merits and in accordance with law by the respondents.

4. In the light of the aforesaid trajectory which this writ petition has taken today, the following consent order is passed:

(a) Third respondent will send by registered post with acknowledgment due Form 5 as per Rule 6 of the said Rules to writ petitioner in such a manner that it is served on the writ petitioner within ten (10) days from today;

(b) Writ Petitioner shall make an application in the said Form, with all relevant particulars and supporting documents within ten (10) days therefrom;

(c) Third respondent shall process the application so made on its own merits, in accordance with law and take a decision within fortnight therefrom;

(d) The decision taken by the third respondent shall be communicated to the writ petitioner under due acknowledgment within five (5) working days from the date of the order; and

(e) Though obvious, it is made clear that this Court has not expressed any opinion on merits of the matter, all questions and merits of the matter are left open including the questions and all points raised in the writ petition.'

5. In the light of scope of abridged prayer, instant Writ Petition is disposed of by way of this consent order with the



aforesaid directives adumbrated supra. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

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// True Copy //

Sub Assistant Registrar (CS)

SSL

To

1.The Director,
College Development Council,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli.

2.The Dean,
College Development Council,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli.

3.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli.

+1 CC to M/s.J. KINGSLEY SOLOMAN, Advocate (SR-99810[F] dated 20/11/2019)

W.P. (MD) No.23432 of 2019
20.11.2019

JMN(05.12.2019) 3P : 5C