



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 6903 of 2021

and

W.M.P. No. 7460 of 2021

Vels Institute of Science, Technology &
Advanced Studies (VISTAS)
(Deemed to be University)
Rep. by its Registrar Dr. P.Saravanan
Velan Nagar
P.V.Vaithiyalingam Road
Pallavaram
Chennai - 600 117.

...Petitioner

Vs.

1. The Secretary to Government
Department of Higher Education
Ministry of Education
Government of India
127-C, Shastri Bhavan
New Delhi - 110 001.
2. The University Grants Commission
Rep. by its Chairman
Bahadur Shah Zafar Marg
ITO Metro Gate Number 3, Road
New Delhi - 110 002.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 1 and 2 to consider and pass orders in the Petitioner's application dated 18.12.2020, followed by reminder dated 03.03.2021, made to treat the medical college to be established as per the Essentiality Certificate in Government Letter (4D) No.9/MCA-2/2020 dated 27.11.2020, as an off-campus centre of the Petitioner, if necessary by conducting an inspection through any of the empanelled accrediting agency of the Second Respondent.



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For Petitioner : Mr. Murali Kumaran
for M/s. McGan Law Firm

For Respondents : Mr. B.Rabu Manohar (For R1 & R2)
Senior Central Government Panel Counsel

O R D E R

Seeking a direction to the respondents 1 and 2 to consider and pass orders in the Petitioner's application dated 18.12.2020, followed by reminder dated 03.03.2021, requesting to treat the medical college to be established as per the Essentiality Certificate in Government Letter (4D) No.9/MCA-2/2020 dated 27.11.2020, as an off-campus centre of the Petitioner, if necessary, after conducting an inspection through any of the empanelled accrediting agency of the Second Respondent, the present writ petition came to be filed.

2.The case projected in the writ petition would run thus:

2.1 The petitioner Trust, with a view to establish Medical, Nursing and Paramedical courses, purchased lands measuring to an extent of 38 acres in Periyapalaym Road, Velan Nagar, Manjankaranai Village, Uthukottai Taluk, Tiruvallur District. As a pre-condition, they established a Hospital in the name and style of 'Vels Medical College and Hospitals' with 330 beds in the year 2018 and applied for Essentiality Certificate to establish a Medical college and permission to establish Nursing course in the said lands. Accordingly, they were granted Essentiality Certificate vide Government Letter (4D) No. 9/MCA-2/2020 dated 27.11.2020 and permission was also accorded with respect to Nursing course.

2.2 Though the petitioner fulfils all the criteria for establishing an off campus centre, they were unable to upload its application on the Deemed University Monitoring Portal, as the accreditation of NAAC conducted on 25th to 27th March 2019, has been awarded with Grade A, vide its letter dated 28.03.2019 and the accreditation of the NIRF was given to the petitioner for all courses with Band 105-150, Pharmacy with 43th Ranking and Engineering with Band 201-250, which were less in quality, according to the first respondent.

2.3 When the petitioner wanted to go for reassessment, NAAC sent a communication dated 24.11.2020, stating that further reassessment is impermissible. That apart, they were unable to make fresh application. As the regulation stipulates that once an Institution is assessed by NAAC, there should be a minimum gap of atleast 5 years, the petitioner was prevented from making both the applications for reassessment and fresh assessment. According to the petitioner, such a bar is completely not in tune with the New Education Policy of the Union of India as well



the regulation of the second respondent relating to grant of off campus centre.

2.4 Since the petitioner satisfy all the conditions set out in clause 7.01.2 of the UGC (Institutions Deemed to be Universities) Regulations, 2019, with sufficient infrastructure and instructional facilities and their attempt to upload online application ended in vain, they submitted an application dated 18.12.2020 to the first respondent, with a copy marked to the second respondent, requesting to have the Medical, Nursing and Paramedical colleges, declared as an off-campus centre. The same was followed by a reminder dated 03.03.2021. However, no action was taken with respect to the claim of the petitioner, till date. Hence, this writ petition.

3.Mr.Murali Kumaran, learned Counsel appearing for the petitioner submitted that the petitioner was entitled to be categorised as 'A++ Grade', however, they were awarded only A Grade, after inspection by the committee of NAAC, due to which, the petitioner was unable to upload online application for establishing an off campus centre, though they were issued with Essentiality Certificate to establish Medical College and they were granted permission to start a Nursing college, besides satisfying all the eligibility criteria, as per the guidelines framed in Regulation No.7.0 onwards. The learned Counsel further submitted that the doors of the petitioner for making reassessment / fresh assessment by NAAC, were shut down, in view of the restriction stipulated in the Regulation that there should be a minimum gap of at lease 5 years, which itself would defeat the very object of the second respondent's Regulation, 2019 for establishment of off campus centres by Deemed to be Universities. It is also submitted that the National Board of Accreditation (NBA) is an approved empanelled accreditation agency of the second respondent and hence, the grade / score granted by them, may be taken into account for determining the eligibility of an University to apply for off campus centre. Thus, the learned Counsel prayed for appropriate direction to the respondents 1 and 2, by considering the application dated 18.12.2020 seeking for off campus centre, which was followed by reminder dated 03.03.2021, sent by the petitioner.

4. On the other hand, Mr.B.Rabu Manohar, learned Senior Central Government Panel Counsel taking notice for the Respondents submitted that the respondent authorities would consider the representation of the petitioner and pass orders, in accordance with law, within a reasonable time to be fixed by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned Counsel on either side, this Court, without going into the merits of the



case, directs the respondents to consider the petitioner's representation dated 18.12.2020 and reminder dated 03.03.2021, on the basis of the documents produced, and pass appropriate orders, on merits and in accordance with law, after conducting inspection, if necessary, and affording an opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Secretary to Government
Department of Higher Education
Ministry of Education, Government of India
127-C, Shastri Bhavan
New Delhi - 110 001.

2. The Chairman
The University Grants Commission
Bahadur Shah Zafar Marg
ITO Metro Gate Number 3, Road
New Delhi - 110 002.

+1cc to M/s. MCGAN LAW FIRM, Advocate in Sr. No. 23839.

+1cc to Mr. B. Rabu Manohar, Advocate Sr. No. 23842.

+1cc to Mr. V. Udayakumar, Advocate Sr. No. 24381.

W.P. No. 6903 of 2021

ss(co)
srg 12/07/2021