



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.19295 of 2021

and

WMP Nos.20608 to 20610 of 2021

Association of Self Financing Arts, Science
and Management Colleges of Tamil Nadu
Rep.by its Secretary
T.Sethupati
No.86, West Club Road, Race Course
Coimbatore 641 018.

... Petitioner

.Vs.

The Registrar
Bharathiar University
Coimbatore 641 046.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the original impugned communication issued by the Respondent in Ref. BU/ Graduate Election / ASFASM/ 2021 dated 29.01.2021 and the subsequent impugned communication issued by the Respondent in Ref. No. G3/ Gra.Regn/ April 2021 Session dated 14.08.2021 as well as consequent impugned paper publication issued by the Respondent in No.Nil dated 17.08.2021 and to quash the same and consequently directing the Respondent to register the eligible graduates in the Electoral Register of the University in respect of Registration Forms accepted by the University as on 13.11.2020, actually received on 16.11.2020, duly acknowledged as per the provisions of the Election Statutes of the Respondent University and consequently directing the Respondent to conduct election for the Graduate Constituency only after the completion of registration process of the registration forms accepted as on 13.11.2020.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.C.Vigneswaran
Standing Counsel



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registration forms submitted by the petitioner association and get a fresh demand draft from the association, which will be submitted on time. This should be done simultaneously by getting the other registration forms through on line and ultimately all the registration forms should be taken into consideration for the purpose of selecting the members of the Senate.

4. The learned standing counsel appearing on behalf of the respondent University shall appropriately instruct the respondent University and take instructions in this regard.

5. Post this case under caption 'immediately after admission' on 20.09.2021.

3. After the above orders were passed, the matter was once again listed for hearing on 20.09.2021 and this Court passed the following order:

"Pursuant to the orders passed by this Court on 13.09.2021, it is reported by the learned counsel for the petitioner that the fresh demand draft has been submitted before the respondent. The learned counsel for the petitioner submitted that the demand draft covers the entire amount payable by the members, whose particulars have been individually given by the association.

2. The learned standing counsel appearing on behalf of the respondent shall take instructions in line with the orders passed by this Court on 13.09.2021 and report before this Court. Post this case under the same caption on 27.09.2021."

4. The learned Standing Counsel appearing on behalf of the respondent University submitted that the Association does not have the locus standi to submit the applications and individual applications must be given by the persons who are eligible to participate in the selection to become members of the Senate. The learned Standing Counsel further submitted that there must be no difficulty for the individual members to submit their applications online and the amount must also be received from each individual member and it cannot be accepted as a lump sum payment from the petitioner Association.

5. In the considered view of this Court, the respondent University is looking at the issue from a very technical point of view. It is an admitted case that the petitioner Association



had submitted the individual applications of each graduate teacher and each of them had filled up individual applications. Therefore, the requirement to submit individual applications is satisfied and these applications were submitted well before time. Therefore, there is no requirement to reject the same just because of a subsequent communication which directed the applicants to submit the application through online mode. Insofar as the fee payable for processing the application, the entire fee has been paid by the Association in one lump sum. This amount represents the number of applications that were submitted and there is no complaint that there is any default or discrepancy in the payment of the amount. Therefore, whether it is received from the individual members or it is paid in one lump sum, the respondent University has received whatever fees has to be paid for the purpose of processing the application.

6.This Court wanted to give an opportunity to the respondent University to process the application submitted by the Association since the procedure has been substantially satisfied. However, the respondent University wants to stick on to hyper technicality. Therefore, this Court is left with no other option except to interfere with the impugned communication dated 29.01.2021 and accordingly, the same is quashed, insofar as not approving the applications already submitted by the petitioner Association and insisting that the registration must be done only through online mode. There shall be a direction to the respondent University to process the individual applications of the graduate teachers which has been submitted by the petitioner Association and deal with the same in accordance with the relevant Statute while selecting the persons for becoming a member of the Senate.

7.In the result, this writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

KP

To

The Registrar
Bharathiar University
Coimbatore 641 046.



+2cc to Mr.G.Sankaran, Advocate, S.R.No.50266
+1cc to Mr.C.Vigneswaran, Advocate, S.R.No.50230

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BP (CO)
CB(18/10/2021)