



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NOS.22212 OF 2009, 25866, 25156, 25531, 25663, 25664 OF 2010
AND
M.P.NOS.2 OF 2009, 2 OF 2010 (5M.PS)

W.P.No.22212 of 2009:

Sree Narayana Educational Guidance Society
(Educational Agency of Sree Narayana College of Education)
represented by its Secretary, having office at Cemetery Road,
Mahe-673 310,
Union Territory of Pondicherry. ...Petitioner

Vs.

1. Pondicherry University,
Kalapet, Pondicherry-605 014,
Represented by its Registrar.
2. Deputy Registrar (ACA-II),
Pondicherry University,
Kalapet, Pondicherry-605 014.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to Order No.PU/Aca-7/2009-10/673, dated 29.06.2009, passed by the Second respondent in so far as the demand for payment of University Development Fund at the rate of Rs.1,000/- per student payable by the petitioner is concerned and quash the same.

W.P.No.25866 of 2010:

Idhaya College of Arts and Science for Women,
Run by the Immaculate Heart of Mary Society,
Represented by its Secretary,
Pakkumudayanpet, Puducherry-605 008.

... Petitioner



WEB COPY

Vs

- 1 Pondicherry University,
Represented by its Registrar,
Kalapet,
Pondicherry.

- 2 Deputy Registrar (ACA-II),
Pondicherry University,
Kalapet, Pondicherry

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to order No.PU/Aca-7/2009-10/862 dated 5.7.2010 passed by the second respondent in so far as the demand for payment of University Development Fund at the rate of Rs.500/- per student payable by the petitioner is concerned and quash the same.

W.P.No.25156 of 2010:

Usha Latchumanan College of Education,
Rep by its Correspondent,
MR.M.Latchumanan,
Thiruvannamalai road,
Thirukkannur, Pondicherry.

Vs

- 1 Pondicherry University,
Rep by its Registrar
Kalapet, Pondicherry- 605 014.
- 2 Deputy Registrar(ACA-II),
Pondicherry University, Kalapet,
Pondicherry- 605 014.

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, Calling for the records relating to Order No.PU/Aca-7/2009-10/862 dated.5.7.2010 passed by the 2nd respondent in so far as the demand for payment of University Development Fund at the rate of Rs.1000/- per student payable by the petitioner is concerned and quash the same.



W.P.No.25531 of 2010:

Pope John Paul II College of Education,
Run by a Society "LE CONSEIL D'ADMINISTRATION,
DE L ARCHIDIOCESE DE PONDICHERRY"
Rep by its Secretary & Correspondent,
Reddiarpalayam, Puducherry-605 010.

Vs

- 1 Pondicherry University,
Rep by its Registrar,
Kalapet, Pondicherry-605 014.
- 2 Deputy Registrar (ACA-II)
Pondicherry University,
Kalapet, Pondicherry-605 014.

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the relating to order No. PU/Aca-7/2009-10/862 dated 5.7.2010 passed by the 2nd respondent in so far as the demand for payment of university Development Fund at the rate of Rs.1000/- per student payable by the petitioner is concerned and quash the same.

W.P.No.25663 of 2010:

- 1 M/S.Senthil Education Society
Rep. by its Secretary,
No.36 Thiyaga Raja Street,
Puducherry-605 001.

... Petitioner

Vs

- 1 Pondicherry University
Rep. by its Registrar,
Kalapet, Pondicherry-605 014.
- 2 Deputy Registrar (ACA-II)
Pondicherry University
Kalapet, Pondicherry- 605 014.

... Respondents



Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, Calling for the records relating to Order No.PU/Aca-7/2009-10/862 dated 5.7.2010 passed by the second respondent in so far as the demand for payment of University Development Fund at the rate of Rs.1000/- per student payable by the petitioner is concerned and quash the same.

W.P.No.25664 of 2010:

Immaculate College of Education for Women ,
Rep.by the Immaculate Hear of Mary Society,
Rep.by its Principal,
Pakkumudayanpet, Puducherry-605 008.

Vs

- 1 Pondicherry University,
Rep. by its Registrar,
Kalapet, Pondicherry-605 014.
- 2 Deputy Registrar(ACA-II)
Pondicherry University,
Kalapet, Pondicherry-605 014.

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, Calling for the records relating to Order No.PU/Aca-7/2009-10/862 dated 5.7.2010 passed by the second respondent in so far as the demand for payment of University Development Fund at the rate of Rs.1 000/- per student payable by the petitioner is concerned and quash the same.

For Petitioner	: Mr.Sai Srujan Tayi For M/s.P.V.S.Giridhar & Sai Associates in All WPs
For R1 and R2	: Mrs.A.V.Bharathi in All WPs

COMMON ORDER

The circulars dated 29.06.2009 and 05.07.2010 passed by the 2nd respondent demanding payment of University Development Fund (one time payment at the time of admission for all



students) of Rs.1000/- for Professional Colleges and Rs.500/- for Arts and Science Colleges.

2.The learned counsel for the petitioners mainly contended that the petitioner Institutions are admitting students from the poor families who are not in a position even to pay the tuition fees and other charges to the petitioner Institution. Therefore, enhancement of University Development Fund from a sum of Rs.25/- to Rs.500/- and Rs.1000/- is beyond the jurisdiction of the University and therefore, the circular is to be set aside.

3.The learned counsel for the petitioners relied on the judgment of this Court dated 06.09.2008 in a both the writ petition W.P.Nos.11870 of 2006 and etc. Relying on the said judgment, it is contended that the University has no authority to enhance the University Development Fund and more specifically, in the present case the enhancement was exorbitant that is from a sum of Rs.25/- to Rs.500/- and Rs.1000/-, and therefore, the circulars are to be set aside.

4. The learned counsel appearing on behalf of the respondent University brought to the notice of this Court that the said judgment relied on by the petitioners were reversed by the Hon'ble Division Bench of this Court in W.P.Nos.591, 661 to 664 and 1209 to 1304 of 2009 dated 27.02.2009. The Hon'ble Division Bench held that the University is competent to collect charges even for development. When the charges prescribed by the University are upheld by the Hon'ble Division Bench, the said judgment referred by the petitioners is of no avail to them.

5. The decision for enhancing the University Development Fund was taken by the respondent/University in the year 2004. The writ petitioners have filed the writ petitions in the 2009 and 2010 challenging the policy circular issued by the University during the academic years.

6. It is contended that the policy was taken by the University in the year 2004 and was in force for about six years and the circular issued during the academic year is under challenge. Thus, the writ petitions are belated.

7. This Court is of the considered opinion that enhancement of University Development Fund periodically is the policy decision taken by the University. If at all the petitioner seeks any exemption or concession or otherwise, it is left open to them to approach the University and Court cannot interfere in such policy decision taken unless such decision is unconstitutional or opposed to public policy.



8. The point of jurisdiction raised by the petitioners is untenable on the ground that the University all along is collecting Development Fund of Rs.25/- for several years and the impugned policy circular was issued enhancing the Development Fund. Therefore, the power was accepted long back by the Institutions and they were paying the prescribed amount. This apart the Hon'ble Division Bench also confirmed the said position. This being the factum, the petitioner has not made out any acceptable ground for the purpose of interfering with the policy circular impugned in the writ petition.

9. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

1. The Registrar.
Pondicheery University,
Kalapet, Pondicherry-605 014,
2. The Deputy Registrar (ACA-II),
Pondicherry University,
Kalapet, Pondicherry-605 014.

+5ccs to M/s.P.V.S.Giridhar & Sai, Advocate,
S.R.No.1429,1431,1432,1433,1430
+2ccs to M/s.A.V.Bharathi, Advocate, S.R.No.545

W.P.Nos.22212 of 2009, 25866,
25156, 25531, 25663, 25664 of 2010

KV(CO)
PM/31/01/2022