



W.P(MD)No.13116 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13116 of 2009

M.Packia John Bright

...Petitioner

vas.

1.The Senate of Serampore College University,
Rep by its Registrar,
Serampore Post – 712 201,
Hooghly District,
West Bengal.

2.The Madurai Kamaraj University,
Palkalai Nagar,
Madurai – 625 021.
Rep by its Registrar.

3.The Principal,
The Tamilnadu Theological Seminary (TTS),
Arasaradi,
Madurai – 625 010.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent Senate of Serampore College (University) to register forthwith the candidature of the petitioner for M.Th Degree in the third respondent College and to allow him to pursue his studies and to complete his course by taking the periodical examinations, results and



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Degree conducted and conferred by the first respondent University.

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For Petitioner	: Mr.Muthuvel, For M/s.Isaac Chambers
For R1	: Mr.M.P.Senthil
For R2	: No appearance
For R3	: Mr.Henry Tiphonge for Mr.K.Sekar

ORDER

This writ petition is filed for a Mandamus directing the first respondent to register the candidature of the petitioner for Master of Theology (M.Th) Degree course in the third respondent College and allowed him to pursue his studies and complete his course by taking periodical examinations.

2.The case of the petitioner is that the third respondent College namely, The Tamilnadu Theological Seminary, Arasaradi (TTS) is an affiliated Institute with the first respondent University. The College is also affiliated to the Madurai Kamaraj University and offers M.Phil and Ph.D Degree courses. The petitioner is pursuing Master of Theology (M.Th) Degree course in the third respondent College. He has written his first term examination in the year September 2008, II Term examination in December 2008 and he went to attend III Term examination in April



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2009, the Principal of the third respondent College informed him that the candidature of the petitioner has not been registered by the first respondent University and allowed him to write examination, after obtaining a letter from the petitioner on 27.03.2009 on condition that the examinations would be evaluated only after the first respondent University accepting the petitioner's registration. The second year classes commenced from 13.06.2000 and the petitioner was not permitted to attend the classes and when this petitioner raised an issue, the Principal of the third respondent College communicated a letter to this petitioner, dated 09.09.2009 stating that the first respondent Senate had informed that the name of the petitioner could not be registered for any course under Senate. Hence, the petitioner made a representation to the first respondent and to other authorities. No action has been taken by the respondents to register the candidature of the petitioner. Later he understood that the University refused to register his candidature for the reason that he had studied M.A., Degree course as well as the B.D. Degree course simultaneously, such registrations were not allowed in the case of candidates doing two courses simultaneously. According to the petitioner, he took admission for M.A., B.D, Integrated Programme for five years during the period from 1996 to 2001 and completed the course



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successfully. Thereafter, he applied for M.Th Degree course during 2008 only and also paid a sum of Rs.50,150/- towards fee for first year and the classes also commenced on 07.06.2008. According to the petitioner, it is not a simultaneous registration for two degrees as conceived by the respondent, but it is only a integrated course for dual degrees and such scheme of courses are available in various Universities across India. Hence, the petitioner is before this Court with the present writ petition.

3.The learned counsel appearing for the petitioner submits that he re-joined in service as Pastor in C.S.I, Church, Neyyoor, Kanyakumari District on 01.05.2010 and now he is serving as Pastor in C.S.I Church, Moolachel, Kanyakumari District. He further submits that since the first respondent had refused to register the petitioner's candidature for M.Th., Degree, he has been completely deprived of his service benefits.

4.The learned counsel for the first respondent submits that first respondent University is situated at West Bengal and functions under the Chapter of 1827 and West Bengal Act IV of 1918 as modified upto 1997 by the Government of West Bengal. The third respondent



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college is an affiliated Institute with the first and second respondents Universities. He further submits that the first respondent has not registered the petitioner as a student for M.Th Degree. The said course is conferred by the first respondent University, of whom, the third respondent College is an affiliate. It is further submitted that it was informed by the third respondent that the petitioner had been allowed to write examinations, on the condition that the examinations would be evaluated only on the basis of the first respondent University, accepting the petitioner's registration and this arrangement made by the third respondent has been recorded in the minutes of meeting of the first respondent in Reg.No.WC/58/09, dated July 2009. It is also submitted that the third respondent College is affiliated to the first respondent University for the courses such as Bachelor of Divinity (B.D), Master of Theology (M.Th), and Doctor of Theology (D.Th). For getting admission into the M.Th Degree, it is necessary that the applicant must have completed B.D Course, as per regulation 6(i) of the Regulations, relating to the Degree of Master of Theology of the first respondent University. But, the petitioner never registered with the first respondent University for M.Th Degree Course. The petitioner's admission with the third respondent University for M.Th Course, has been informed by the third



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respondent only during 2006, vide letter dated 31.08.2006. The learned counsel submits that for the conduct of the third respondent University, the first respondent is no way responsible and this petition itself is not at all maintainable.

5.The learned counsel appearing for the second respondent submits that the petitioner has been enrolled as a Candidate in M.A.Theology, in Tamilnadu Theological Seminary, Arasaradi, Madurai, which is affiliated to the first respondent and not affiliated to Madurai Kamaraj University. Hence, this writ petition is not at all maintainable as against the second respondent and is liable to be dismissed.

6.This Court considered the rival submissions made and also perused the materials placed on record.

7.From the counter affidavits filed by the respondents 1 & 2, it is clear that neither they have offered any course to the petitioner nor registered this petitioner as a student to their University. Insofar as the third respondent is concerned, it is an unaided Institute and therefore writ petition cannot lie as against the third respondent. It is also revealed that



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the third respondent came to know about the petitioner's admission with the first respondent University for M.Th Course, only by way of the communication given by the third respondent on 31.08.2006. Also, for the arrangements so made by the third respondent with the petitioner that he had been allowed to write examination on condition that the examinations would be evaluated only after the first respondent University accepting the petitioner's registration, the first and second respondents cannot be held responsible. This Court is satisfied with the objections raised by the respondents 1 and 3 that the writ petition cannot be maintained as against the respondents 1 and 3.

8.In view of the foregoing discussions, this writ petition is dismissed. No costs.

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Index: Yes
Internet: Yes
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To

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Hooghly District,
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- 2.The Registrar.
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