



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.8064 of 2012

The Managing Trustee and Chairman,
Venkadam Educational Trust (VET),
First Floor, Makkal Store Building,
Near New Bus Stand, Marthandam,
Kanyakumari District.

... Petitioner

Vs.

The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli-627 012.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent - University herein to grant approval to the admission of 475 students admitted in the Academic year 2011-2012 in the petitioner's VET - Technical Institute (Name List Annexed) and to permit all the 788 students admitted in the petitioner's Technical Institute viz., 313 students in the calendar year 2011 (Name List Annexed) and 475 students in the Academic Year 2011 - 2012 (Name List Annexed) to take the ensuing January / June 2012 Diploma Examination slated to commence from 20.06.2012, or any other future date, after collecting necessary examination fee and to publish the results, issue marks statement and award diploma to them.

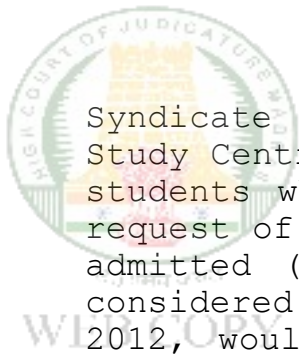
For Petitioner : Mr.P.Muthuvel
for Mr.S.Xavier Rajini

For Respondents : Mr.H.Jasimayasmin
for M/s.Ajmal Associates

O R D E R

The present Writ Petition is filed seeking Mamdamus directing the respondent University to grant approval for admission to 475 students in the academic year 2011-2012, as per the annexure, and for another 313 students who were studying in the petitioner's Technical Institute in the calendar year 2011 as per the annexure.

2.By the proceedings, dated 18.08.2011, the University has passed an order directing the writ petitioner Study Centre to stop all further activities, until the position is cleared by the



Syndicate in the University. Hence, admittedly, the petitioner Study Centre cannot carry on any activity imparting education to the students who were already admitted in the institution. Hence, the request of the petitioner seeking approval for the students who were admitted (475 students) in the academic year 2011-2012 cannot be considered. That apart, the students admitted in the year 2011-2012, would have attended the classes only up to August 2011 and thereafter, any classes conducted by the petitioner Study Centre would be in violation of the order, dated 18.08.2011. Hence, the request of the petitioner Study Centre for approving the admission of the students is not legally sustainable and hence rejected.

3.However, the petitioners had further prayed for the students (313 students) who were all admitted in the calender year 2011, completed their course and they have appeared for the examination conducted by the respondent University. Though they have appeared for the examination, the University has not yet published the results and mark statements have not been issued.

4.The learned Counsel appearing for the respondent, on instructions, submitted that the respondent University is ready to send the mark statements as well as the Diploma certificates for the passed students directly to the Study Centre from where the candidates can collect the same. The said statement is recorded and the Writ Petition is partly allowed with regard to the 313 students who have appeared for the examination conducted by the respondent University. However, the dispersal of the mark statement and the Diploma certificate shall be subject to the payment of charges if any, is prescribed by the University.

5.The learned Counsel appearing for the petitioner submitted that for running the course, which was abruptly stopped by the University, he has deposited a sum of Rs.1,00,000/- (Rupees One Lakh only) as refundable deposit.

6.Since the University had stopped the said Course, as per the agreement, the University has to refund the said refundable deposit. The petitioner is at liberty to give a representation to the University. In case, any representation is made, it can be considered, in accordance with the agreement between the petitioner and the University.

7.With the above direction, the Writ Petition is partly allowed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)



Tmg

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli-627 012.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-26039[F] dated 16/06/2022)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-26481[F] dated 17/06/2022)

Order made in
W.P. (MD) .No.8064 of 2012
15.06.2022

SS(27/06/2022) 3P 4C