



W.P.(MD)No.9398 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9398 of 2022

and

W.M.P(MD)Nos.11745, 6733 & 6735 of 2022

J.Ravi

... Petitioner

Vs

1.The Vice Chancellor,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli – 627 012.

2.The Registrar (I/C),
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli – 627 012,
Tamilnadu,
India.

3.The Director,
Director of Vocational Education,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the impugned orders as passed by the second respondent in Reference No.



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MSU/R/DVE/A1/811/VSD/2021 dated 24.01.2022 and Reference No. in MSU/R/DVE/A1/811/VSD/Renewal Agrec. retu/2022 dated 01.02.2022 and set aside the same as illegal and devoid of merits and consequently, direct the respondents to renew the approval of admission of the students for their respective courses for the academic year 2021-2022 forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mrs.Jasima Yasmin
for M/s.Ajmal Associates

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is running an Educational Institution in the name and style of Blessings Life Vocational Skill Development Centre. The petitioner applied for approval before the respondent University. Approval was granted for a period of one year for the academic year 2018-19. It was renewed for the subsequent year also, I.e., 2019-20. It is seen that no approval was given for the academic year 2020-21. But the petitioner appears to have gone ahead with admitting the students.

3. In these circumstances, the respondent University issued communication dated 24.01.2022 stating that the petitioner's renewal application was not considered, because he did not submit the required land



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records. Even while directing the petitioner not to admit the students for the academic year 2021-22, only for the welfare of the students, Advanced Diploma Programmes (2 year programme) admitted in the year 2020-21 alone were permitted to study for the academic year 2021-22. The stand of the respondent University as reflected in the communications dated 24.01.2022 and 01.02.2022 is that for want of land records that the petitioner's request for renewal cannot be considered. It is put to challenge in the writ petition.

4. The learned Standing Counsel appearing for the respondent University produced a copy of the guidelines governing approval to such Vocational Skill Development Courses. It is seen that one of the requirements is that the applicant must produce a copy of the rental agreement in respect of the proposed VSD Centre building. In this case, the agreement, based on which, the petitioner obtained approval in the first instance was valid only upto April 2022. The petitioner was not in a position to show any agreement extending the lease.

5. In these circumstances, I indicated that unless the petitioner is able to produce renewal of the lease agreement, I would not be inclined to consider the petitioner's request. The matter was adjourned on more than one occasion only for this purpose.



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6. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted a copy of the rental agreement dated 16.06.2022 indicating that the earlier lease stood extended for further a period of eleven months. Thus, as on date, the petitioner is in possession of the requisite land records and therefore, there may not be any impediment for the respondent University to consider renewal. The only ground on which renewal was declined was lack of relevant land records. Now, the said relief can be granted to the petitioner as the lacuna has been set right. However, the matter cannot end there. The conduct of the petitioner cannot be ignored.

7. As rightly pointed out by the learned Standing Counsel appearing for the University, even though the petitioner was not granted any approval for the academic year 2020-21, the petitioners still went ahead with the admission of students. Initially, the University in order to safeguard the welfare of the students took an indulgent view. She points out that now also the Court is also adopting the very same approach.

8. The learned counsel would point out that if the petitioner is permitted to admit the students to this year also, it will become an endless process.



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9. I find considerable force in the contentions of the learned Standing Counsel appearing for the University.

10. In response thereto, the petitioner through his counsel gave an undertaking that not even a single student will be admitted for the academic year commencing from 2022-23 and they would make a request for renewal or fresh approval only after the petitioner shifts their centre to a new building. This is because the lease agreement is only for a period of 11 months and it is bound to expire by the middle of 2023.

11. The learned Standing Counsel appearing for the respondent also raised two other objections. She points out that the land in question belongs to one Christine Karunya and that the lease agreement has not been executed by her. It is true that the lease agreement has been executed only by her father-in-law, namely, Mr.A.Ratna Raj. Even the original lease agreement was executed only by the A.Ratna Raj and approval was granted only on that basis. Till date, Christine Karunya has not raised any objection. If and when any objection is raised by Christine Karunya, then the University may be justified in intervening and not till then.



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12. The learned Standing Counsel also doubted the authenticity of the agreement. She stated that it has not been registered.

13. The petitioner through his counsel gave further undertaking that within a period of two weeks from the date of receipt of a copy of this order, the lease agreement entered into between the petitioner and the said A.Ratna Raj will be presented for registration and the certified copy of the registered lease deed produced before the respondent University. This undertaking is recorded. If the petitioner fails to honour this undertaking, then it is open to the respondent University to take appropriate action.

14. In view of the aforesaid undertaking given by the writ petitioner, the respondent University is directed to renew the approval for the following three Courses:

“1.Advanced Diploma in Diagnostic Lab Technology

2.Advanced Diploma in Dialysis Technology

3.Advanced Diploma in Health and Sanitary Sciences”

15. The proceedings granting renewal of approval will be issued by the second respondent within a period of two weeks from the date of receipt of a copy of this order.



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16. This writ petition is allowed on these terms. Consequently, connected

miscellaneous petitions are closed. No costs.

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Index : Yes / No

Internet : Yes/ No

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To

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