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W.P.Nos.20186 of 2018, etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.20186 to 20189, 23669, 23670,
25339, 25749 & 26990 of 2018

and

W.M.P.Nos.23653, 23655, 23657, 23659, 27612,
27613, 27615, 29489, 29963 & 31377 of 2018

W.P.No.20186 of 2018

Chennai Amirtha International Institute
of Hotel Management,
(A Unit of Meenakshi Amman Educational
Research Institute Trust),
Represented by its Chief Executive Officer,
Mr.R.Boominathan,
407, G.R.Complex 1st Floor,
Opp. Audi Car, Nandanam, Anna Salai,
Chennai – 600 035.

... Petitioner

Vs.

1.The University Grants Commission,
Bahadur Sha Zafar Marg,
New Delhi – 110 002.

2.The Registrar,
Bharathiar University,
Coimbatore – 641 046.

3.The Director,



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School of Distance Education,
Bharathiar University,
Coimbatore – 641 046.

... Respondents

Prayer in W.P.No.20186 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records comprised in Resolution in Item No.091-Sl.Nos.3 and 5 passed in the 304th Meeting of the Syndicate held on 18.05.2018 on the file of the second respondent and the consequential circular ref. BU/SDE/All Study Centres (TN)-Approval withdrawn/Notice / 2018 dated 25.05.2018 on the file of the third respondent, quash the same.

For Petitioner : M/s.G.RM.Palaniappan
(in all WPs)

For Respondents : M/s.P.R.Gopinathan [R1]
(in all WPs) Mr.V.Selvaraj [R2 & R3]

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, with the consent of the learned counsel appearing for both sides, these writ petitions were heard together and disposed of by this common order.

2. When these matters are taken up for hearing today, the learned counsel appearing for the petitioners submitted that the issue involved in these writ petitions is no longer res integra and further submitted that



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already this Court has dealt with similar issues, one of which has been decided by this Court in W.A.No.606 of 2015 and W.P.Nos.27185 of 2015 etc., batch of cases.

3. This Court in W.A.No.606 of 2015 and W.P.Nos.27185 of 2015 etc., batch in the case of ***University Grants Commission & Another Vs. Annamalai University and 3 Ors.***, in paragraph Nos.57 and 60, has held as follows :

*“57. As far as the writ petitions that are filed by the other Universities viz., Bharathiar University, Periyar University, Bharathidasan University and Madras University also in view of our conclusions regarding the primacy of the University Grants Commission to impose Regulations those writ petitions will stand **dismissed**. **However, the students who have been enrolled in programmes under the protection of interim orders of this Court will stand protected and their degrees will be valid.***

.....

60. In fine, we conclude that the University Grants Commission Regulations will prevail in view of the primacy given to the University Grants Commission under the University Grants Commission Act as well as the Entry 66 of List 1 of the 7th Schedule of the Constitution. While the Universities established by the State enactment and other private Universities can enrol students from outside the State, their other activities viz., establishment of learner support centres, conduct of the examination etc., must be within the State only. Insofar



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as the deemed to be universities are concerned, they can conduct online distance education programmes in compliance with the Regulations of the University Grants Commission upon having recognition from the University Grants Commission.”

4. In view of the issue having been settled already and the present case falls squarely within the four corners of the said decision, this Court is inclined to dismiss these Writ Petitions in the same line by following the above order.

5. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

08.03.2023
(2/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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