



W.P.No.4147 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4147 of 2019

And

W.M.P.No.4654 of 2019

M/s.Indian Centre for Academic Ranking &
Excellence Private Limited
Rep. by its Vice Chairman
Dr.Karthick Sridhar

... Petitioner

Vs.

National Assessment and Accreditation Council
Rep. by its Director
PO Box No.1075,
Nagarbhavi,
Bangalore – 560 072.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare that the impugned Communication dated 21.01.2019 addressed to the Directorate of Higher Education, Government of Maharashtra is motivated, biased, without jurisdiction and therefore illegal and consequently forbear the respondent its men, agents and whomsoever claiming under the respondent from any manner publishing news articles and issuing communications, defaming the reputation of the petitioner company and against the petitioner company and to direct the respondent to



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issue a paper publication apologising and withdrawing its defamatory articles published in various news papers across the Country.

For Petitioner : Mr.Murali Kumaran
Senior Counsel
for M/s.McGan Law Firm
For Respondent : Mr.A.Veeramani

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Declaration to declare that the impugned Communication dated 21.01.2019 addressed to the Directorate of Higher Education, Government of Maharashtra is motivated, biased, without jurisdiction and therefore illegal and consequently forbear the respondent its men, agents and whomsoever claiming under the respondent from any manner publishing news articles and issuing communications, defaming the reputation of the petitioner company and against the petitioner company and to direct the respondent to issue a paper publication apologising and withdrawing its defamatory articles published in various news papers across the Country.

2.The case of the petitioner is that the petitioner Company is registered on the file of Registrar of Companies, Chennai. The petitioner Company entered into Memorandum of Understanding dated



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18.08.2017 with the respondent for services related to data validation and verification for assessment and accreditation purposes for a period of one year and the same was extended for a further period of three months. Whiles, the respondent issued show cause notice dated 31.10.2018 calling upon the petitioner to explain why action should not be initiated against the contract entered in to by it with the petitioner Company and the petitioner also gave a detailed reply dated 08.11.2018 and the petitioner was informed that the explanation given by them was accepted and further actions were dropped, however, the respondent issued the impugned communication to the Directorate of Higher Education, Maharashtra and published an news article on 23.01.2019 in Times of India stating that the respondent has banned the petitioner Company. Hence, this writ petition.

3.The learned Senior Counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issue direction to the respondent to consider the petitioner's explanation dated 08.11.2018 pursuant to the show cause notice dated 31.10.2018 and to pass appropriate orders within a reasonable time frame.



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4.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case and without interfering with the impugned communication, directs the respondent to consider the petitioner's explanation dated 08.11.2018 pursuant to the show cause notice dated 31.10.2018, in accordance with law and to pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

5.This writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

23.03.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

National Assessment and Accreditation Council
Rep. by its Director
PO Box No.1075,
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Bangalore – 560 072.

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M.DHANDAPANI,J.
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