



WEB COPY



W.P.No.215 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.215 of 2023

Usha Latchumanan College of Education,
Rep by its Correspondent,
Vazhapadiyar Nagar,
Thirukkanur,
Pondicherry – 605 501.

... Petitioner

Versus

1. The Secretary to Government (Education),
O/o. Chief Secretariat,
Government of Puducherry,
Beach Road, Puducherry.
2. Secretary to Government (Homes),
O/o. Ministry of Home Affairs,
Government of India,
Parliamentary House, New Delhi.
3. The Secretary,
University Grand Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.
4. Government of Puducherry,
Rep by its Secretary,
Directorate of Higher and Technical Education,
Tholkappian Main Road,
Government Quarters,
Lawpet, Puducherry – 605 008.

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Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to enact Puducherry Private University Bill for approving the Institutions as Private University as per the Communication sent by the 4th respondent in No.4238/DHTE/Tech/LGP/2016/(Vol-IV) 476 Puducherry dated 29.06.2022 within the time frame fixed by this Court.

For Petitioner : Mr.R.T.Shyamala

For R1, R3 & R4 : Mr.V.Vasantha Kumar,
Additional Government Pleader, Puducherry

For R2 : Mr.K.Srinivasamurthy,
Special Panel Counsel

ORDER

The petitioner/Usha Latchumanan College of Education at Vazhapadiyar Nagar in Thirukkanur in Puducherry has been functioning for the past 22 years. It has been run by S.M.G. Anjalaiaimmal Educational Society, which is a Society registered under the Societies Registration Act as Society No.195/1993.

2. The Government of Puducherry had granted “No Objection



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Certificate” on 29.01.1999 to start the College. The petitioner College has obtained permission from necessary statutory Authorities to run B.Ed., two-year course. The petitioner now seeks the status of a Private University.

3. Ms.R.T.Shyamala, learned counsel places reliance on a Gazette order issued by the Union Territory of Puducherry on 11.09.2015 wherein, the Government of Puducherry had stated that as a policy decision, they have taken a decision to accord University status also to Private Colleges.

4. Taking advantage of that particular decision, which has been gazetted, the petitioner now seeks a direction to the Union Territory of Puducherry to pass such legislation and incidentally grant Deemed University status to the College of the petitioner.

5. Mr.K.Srinivasamurthy, learned Special Panel Counsel who had taken notice on behalf of the 2nd respondent however pointed out a Judgment of the Hon’ble Supreme Court, dated 05.10.2020 in



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W.P.(Civil) No.1091/2020 [B.S.Rajesh Agrajit vs. Union of India].

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6. In that Writ Petition, the petitioner therein had approached the Hon'ble Supreme Court and had sought a direction against the Parliament to enact the legislation.

7. The order of the Hon'ble Supreme Court is reduced for better and instructive appreciation.

“No mandamus can be issued to Parliament as a legislating body to enact legislation. The prayers are hence misconceived. Moreover, whether any scheme should at all be framed by the executive is a matter of policy. We, therefore, decline to entertain the petition under Article 32 of the Constitution.”

8. It is clear that the present Writ Petition is not maintainable and therefore, the same is liable to be dismissed.

9. However, this would not preclude the petitioner herein from approaching the necessary authorities and making every effort to impress upon them that what was gazetted is reasonably expected to be actually brought as law in the Union Territory of Puducherry.



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11. The Writ Petition stands dismissed. No order as to costs.

19.01.2023

ssi

Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

To:

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2. Secretary to Government (Homes),
O/o. Ministry of Home Affairs, Government of India,
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