



W.P.(MD)Nos.9200 & 9201 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)Nos.9200 & 9201 of 2014

and

M.P.(MD).Nos.1 & 1 of 2014

W.P.(MD).No.9200 of 2014

Dr.V.A.Radhakrishnan

... Petitioner

Vs.

- 1.Manonmaniam Sundaranar University,
Rep by its Registrar,
Abishekapatti,
Tirunelveli-12.
- 2.The Vice Chancellor,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-12
- 3.The Syndicate Sub Committee of Affiliation
& Qualification Approval,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-12.
- 4.The Principal,
Ambai Art College,



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Ambasamudram, Tirunelveli District.

- 5.The Principal,
Sardar Raja College of Arts and Science,
Vadakkankulam,
Tirunelveli District.
- 6.The Principal,
J.P.College of Arts and Science,
Ayikudi,
Tirunelveli District.
- 7.The Principal,
Noorul Islam College of Arts and Science,
Kumaracoil,
Kanyakumari District.
- 8.The Principal,
Pope's College,
Sawyerpuram,
Thoothukudi District.
- 9.The Principal,
Sri Ram Nallamani Yadava College of
Arts and Science,
Kodikurichi,
Tirunelveli District.
- 10.The Principal,
Holy Cross Home Science College,
Thoothukudi.
- 11.The Principal,
A.P.C.Mahalaxmi College for Women,
Thoothukudi.



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12.The Principal,
The M.D.T. Hindu College, Tirunelveli.

13.The Principal,
T.D.M.N.S. College,
T.Kallilulam, Tirunelveli District.

14.The Principal,
Udaya College of Arts and Science,
Vellamodi,
Kanyakumari District.

15.The Principal,
Nanjil Catholic College of Arts and Science,
Kaliyakkavilai,
Kanyakumari District.

16.The Principal,
Lekshmipuram College of Arts and Science,
Neyyoor,
Kanyakumari District.

17.The Principal,
Sree Ayyappa College for Women,
Chunkankadaï,
Kanyakumari District.

18.The Principal,
S.T.Hindu College,
Nagercoil,
Kanyakumari District.

19.The Principal,
Arignar Anna College,
Aralvoimozhi,
Kanyakumari District.



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20. The Principal,
Aditanar College of Arts and Science,
Thiruchendur,
Thoothukudi District.
21. The Principal,
Don Bosco College of Arts and Science,
Keela Eral,
Thoothukudi District.
22. The Principal,
Sri Paramakalyani College,
Alwarkurichi,
Tirunelveli District.
23. The Principal,
Bishop Caldwell College,
Maravanmadam,
Thoothukudi District.
24. The Principal,
Kumari College,
Thoothukudi.
25. The Principal,
V.O.C.College,
Thoothukudi.
26. The Principal,
Annai Velankanni College,
Tholayavattam,
Kanyakumari District.
27. The Principal,
St.John's College of Arts and Science,
Ammandivilai, Kanyakumari District.



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28.The Principal,
St.Jerome's College,
Ananthanadarkudy,
Kanyakumari District.

29.The Principal,
St.John's College,
Palayamkottai,
Tirunelveli District.

30.The Principal,
Peraringnar Anna College,
Dharugapuram, Tirunelveli District.

31.The Principal,
Sivanthi Aditanar College,
Pillaiyarpuram, Kanyakumari District.

32.Association of Managements of Aided]
And Self Financing Colleges,
Manonmaniam Sundaranar University Area
Rep by its Secretary,
A.P.V.C.Chockalingam, Tirunelveli,
Tirunelveli District.

... Respondents

(R32 is impleaded vide Court order dated 22.12.2022 in M.P.(MD).No. 3/2014 in W.P.(MD).No.9200 of 2014 by KBJ)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Minutes of the meeting of the 3rd respondent on affiliation and qualification approval (Review Commission 2013-2014) held



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on 21.05.2014 at 11.00 a.m., in the University Buildings, Abishekapatti, Tirunelveli-12 quash the same and direct the 1st respondent to direct the respondents 4 to 31 to comply with the norms pertaining to affiliation prescribed by the Statutes of the 1st respondent and the U.G.C.Regulation, 2009.

For Petitioner :Mr.M.Saravanan
For Respondents :Ms.A.Afritha Fathima
for M/s Ajmal Associates for R1 to R3
:Mr.K.Karthic for R4, R5, R10 to R12, R14,
R16 to R21, R23, R25 to R27, R29 & R31.
:Mr.E.V.N.Siva for R32
:Mr.G.Prabhu Rajadurai for R8
:No appearance for R7

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Dr.V.A.Radhakrishnan

... Petitioner

Vs.

1.Manonmaniam Sundaranar University,
Rep by its Registrar,
Abishekapatti,
Tirunelveli-12.

2.The Vice Chancellor,
Manonmaniam Sundaranar University,



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Abishekapatti,
Tirunelveli-12

- 3.The Syndicate Sub Committee,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-12.
- 4.The Principal,
C.S.I.Jayaraj Annapackiam College,
Nallur,
Tirunelveli District.
- 5.The Principal,
Sardar Raja College of Arts and Science,
Vadakkankulam,
Tirunelveli District.
- 6.The Principal,
J.P.College of Arts and Science,
Ayikudi,
Tirunelveli District.
- 7.The Principal,
Kamaraj College,
Tuticorin District.
- 8.The Principal,
Pope's College,
Sawyerpuram,
Thoothukudi District.
- 9.The Principal,
Sri Ram Nallamani Yadava College of
Arts and Science,
Kodaikurichi,



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Tirunelveli District.

10.The Principal,
Holy Cross Home Science College,
Thoothukudi.

11.The Principal,
G.V.N.College,
Kovilpatti,
Thoothukudi.

12.The Principal,
Wavoo Waiecha Women of Arts & Science,
Kayalpattinam,
Thoothukudi District.

13.The Principal,
T.D.M.N.S. College,
T.Kallikulam,
Tirunelveli District.

14.The Principal,
Udaya College of Arts and Science,
Vellamodi,
Kanyakumari District.

15.The Principal,
Nanjil Catholic College of Arts and Science,
Kaliyakkavilai,
kanyakumari District.

16.The Principal,
Don Bosco college of Arts and Science,
Keela Eral, Thoothukudi District.



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17. The Principal,
Annai Velankanni College,
Tholayavattam,
Kanyakumari District.
18. The Principal,
Perarignar Anna College,
Dharugapuram,
Tirunelveli District.
19. The Principal,
Sivanthi Adithanar College,
Pillaiyarpuram,
Kanyakumari District.
20. The Principal,
Mahatma Gandhi College of Arts and Science,
Solariseri,
Tirunelveli District.
21. The Principal,
Sri Sarada College for Women,
Ariakulam,
Tirunelveli District.
22. The Principal,
Nazareth Margochis College,
Nazareth, Thoothukudi District.
23. The Principal,
Nesamony Memorial Christian College,
Marthandam, Kanyakumari District.
24. The Principal,
St.Jude's College, Thoothur, Kanyakumari District.



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25.The Principal,
Muslim Arts College,
Thiruvithancode,
Kanyakumari District.

26.The Principal,
Melankara Catholic College,
Mariagiri,
Kanyakumari District.

27.Association of Managements of Aided
And Self Financing Colleges,
Manonmaniam Sundaranar University Area
Rep by its Secretary,
A.P.V.C.Chockalingam, Tirunelveli,
Tirunelveli District.

... Respondents

(R27 is impleaded vide Court order dated 22.12.2022 in M.P.(MD).No. 3/2014 in W.P.(MD).No.9201 of 2014 by KBJ)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Minutes of the meeting of the 3rd respondent on affiliation and qualification approval (Further Affiliation for the academic year 2014-2015) held on 21.05.2014 in the University Buildings, Abishekapatti, Tirunelveli-12 quash the same and direct the 1st respondent to direct the respondents 4 to 26 to comply with the norms pertaining to affiliation prescribed by the Statues of the 1st respondent and the U.G.C.Regulation, 2009 in respect of the existing courses.



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For Petitioner :Mr.M.Saravanan
For Respondents :Ms.A.Afritha Fathima
for M/s Ajmal Associates for R1
:Mr.K.Karthic for R5, R7, R11, R12, R14,
R17, R19, R23 to R26
:Mr.E.V.N.Siva for R27
:Mr.G.Prabhu Rajadurai for R8 & 22
:No appearance for R4

COMMON ORDER

The writ petitions have been filed challenging the meeting of the Sub Committee of the affiliation committee. The petitioners were the members of the said Sub Committee and they have dissented to the decisions taken in the Sub Committee giving reasons. However, the sub committee, by a majority, had approved various minutes.

2. The learned counsel for the petitioner would submit that the respondent colleges, namely the respondents 4 to 26 in W.P.(MD).No.9201 of 2014 and respondents 4 to 31 in W.P.(MD).No.9200 of 2014, do not have the requisite infrastructure or facilities as per the UGC norms. The learned counsel for the petitioner would submit that when such objections were being raised, without verifying the complaints raised by the petitioners, the



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sub committee, namely the 3rd respondent herein, had approved the minutes.

This according to the petitioner is wholly in violation of the UGC norms and if implemented will be against the interest of students. Hence, he sought to set aside the minutes of meeting impugned in these writ petitions.

3. Countering his arguments, the learned counsel appearing for the respondents 1 to 3 would submit that the writ petitions itself is not maintainable, as the petitioners do not have loco standi to question the minutes as they were the members of the sub committee. In support of her contention, she had relied upon a judgment of the Apex Court reported in **(1994) supp 3 SCC 220** in the case of **Bihar Public Service Commission and Another Vs. Dr.Shiv Jatan Thakur and others**. She would contend that the full bench of this Court in a judgment reported in **2006 (4) CTC 460** had also held that a member of a committee has no loco standi to challenge the decision. She would further draw my attention to the minutes of the meeting that is sought to be impugned in these writ petitions. She would submit that what is impugned in this writ petitions are only recommendations of the sub committee for the syndicate to take a decision. After the decision of the



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syndicate, an order of affiliation should be passed. Hence, the minutes of the meeting are only recommendatory in nature and such recommendation cannot be put into question in a Court of law. In support of the said contention, she would rely upon a judgment of the Division Bench of this Court reported in **(2015) 2 CWC 366**. Further, she also relied upon a judgment of a Division Bench of this Court in W.A(MD).No.323 of 2015 dated 23.08.2017, wherein, the petitioner himself had filed W.P.(MD).No. 5456 of 2015 along with another person, challenging a similar resolution, in respect of a college and this Court had specifically held that the petition is liable to be dismissed, even on the ground of maintainability. Hence, she would submit that these writ petitions should be dismissed in limine as not being maintainable.

4. The learned counsel appearing for the impleaded respondent in both the writ petitions, namely the association of management of aided and self financing colleges, within the area of the 1st respondent university, would submit that the petitioner also supports the contention raised by the learned counsel for the 1st respondent. He would further submit that the



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affiliation granted under the minutes of the meeting are all time bound affiliation in certain cases and were temporary affiliation in certain cases. The resolutions impugned in the writ petition have all been acted upon and further resolution of further period have been made and affiliation have been granted and in that aspect, these writ petitions would also have become infructuous.

5. The learned counsel appearing for the respective colleges have also adopted the arguments made by the respondents 1 to 3 and the counsel for the association.

6. I have considered the rival submissions made by the learned counsel appearing on either side.

7. Admittedly, the petitioner is a member of the sub committee, which has passed a resolution. The locus of the petitioner is being seriously challenged by the counsel appearing for the respondents. In case the petitioner, being member of a committee or an association, whether would



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have locus to challenge the decision of such committee or association is no longer res-integra. The judgment of the Apex Court reported in **1994 supp 3 SCC 220** in the case of **Bihar Public Service Commission and Another Vs. Dr.Shiv Jatan Thakur and others** has settled the law. The relevant portion of the order is extracted hereunder:

28.Shri R.K.Garg, Senior Advocate, Who appeared for Dr.Thakur, the petitioner in the writ petition, since did not make any submission in support of the reliefs sought in paragraphs (B) and (C) of the prayer in the writ petition, we do not feel the need to consider them. Shri Garg, we are inclined to think, did not make any submission in support of the reliefs sought in paragraphs (B) and (C) obviously realising that the allegations on which those reliefs were founded, related to functions of the BPSC, which could not have been disowned by the BPSC's sitting member. Whatever that be, no member of a Public Service Commission, in our considered view, could be allowed to question the validity or correctness of the functions performed or duties discharged by the Public Service Commission, as a body, While



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he was its member. It ought be so for the simple reason that such member must be regarded to be a party to the function required to be performed or the duty required to be discharged by the Public Service Commission as a body or institution, even though he might have been a dissenting member or a member in a minority or a member who had abstained from taking part in such function performed or duty discharged. Discretionary remedy vested in the High Court under Article 226 of the Constitution cannot, therefore, be allowed to be invoked by a member of the Public Service Commission to question the correctness or validity of functions performed or duties discharged by the Public Service Commission as a body or institution according to well established procedures.

8. A similar view has also been taken by a Full Bench of this Court in a judgment recorded in **2006 (4) CTC 460** in the case of ***Secretary to Government, Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Marg, New Delhi Vs. Member Secretary, Chennai Metropolitan Development Authority, Gandhi Irwin Road, Egmore, Chennai-600 008 and another*** wherein, it was held that the



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member secretary cannot question the notification issued by the Central Government as there is no locus for the members to challenge the decision of the Central Government. Relying upon the aforesaid judgment, the Division Bench of this Court had rejected a writ petition filed by the very same petitioner holding that the writ petition filed by him is not maintainable, since he was a member of the committee, which passed the resolution.

9. Further, as rightly pointed out by the learned counsel for the respondents 1 to 3, the resolutions are recommendatory in nature. The said minutes also records as follows:

The minutes the affiliation committee meeting may be placed before the syndicate and thereafter compliance Report from the principals of the colleges concerned should be obtained before sending the review commission.

The Committee also feels that the minutes be approved by the Vice Chancellor to get the compliance report from the principals in order to send the review



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commission well in advance for granting affiliation to the courses to start the courses in the academic year 2014-2015. (If the compliance report is not received by the University from the Principal within 10 days. Review Commission will not be sent for considering continuation of affiliation.

10. A perusal of the aforesaid minutes of the meeting would clearly disclose that these minutes, which are impugned in these writ petitions, are to be placed before the syndicate and thereafter orders will be passed. Hence, the resolution of the sub-committee was placed before the Syndicate and the Syndicate has taken a decision to affiliate the colleges and affiliations have been granted. The said affiliations have not been challenged. Further, these affiliations are time bound affiliations. The period has lapsed by efflux of time and fresh affiliations for further period has been granted.



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11. In view of the aforesaid observations, I do not find any merits.

Accordingly these writ petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.01.2023

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

To

- 1.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-12.
- 2.The Vice Chancellor,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-12
- 3.The Syndicate Sub Committee of Affiliation
& Qualification Approval,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-12.



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K.KUMARESH BABU, J.

sbn

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and
M.P.(MD).Nos.1 & 1 of 2014

11.01.2023