



WP (MD) No.19443 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.19443 of 2015

and

WMP(MD)No.1 of 2015

The Principal,
Nesamony Memorial,
Christian College,
Marthandam – 629 165,
Kanyakumari District.

... Petitioner

Vs

The Manonmaniam Sundaranar University,
Represented by its Registrar,
Abishekapatti,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records relating to the impugned proceedings issued by the respondent Manonmaniam Sundaranar University, Tirunelveli in Ref.No.MSu/Exam/PG/NMC/Legal/Nov.2015 Exam dated 14.10.2015, quash the same.

For petitioner : Mr.I.G.Ivyn
for M/s.Isaac Chambers
For Respondent : Ms.H.Jasima Yasmin
for Ajmal Associates



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ORDER

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This writ petition was filed in the year 2015 challenging the proceedings of the 1st respondent University in reference No.MSu/Exam/PG/NMC/Legal/Nov. 2015 Exam dated 14.10.2015.

2.By the order impugned in this writ petition, the 1st respondent has directed the petitioner to remit a sum of Rs.75,000/- as penalty for the course of action on the admission of the one Anish in M.A.History in the petitioner's college. The said candidate was admitted to the petitioner's college for the academic year 2015-2016. The said candidate was not permitted to continue the academic year in the petitioner's college and therefore, the said candidate has filed WP(MD)No.1598 of 2015 and this Court allowed the writ petition with a direction to the 1st respondent Registrar to sanction one more additional seat in the post graduation course and to admit the candidate in the petitioner's college and also directed him to write the ensuing examination.

3.The 1st respondent University is also a party to that writ petition.



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4.The University has not challenged the orders of this Court in WP(MD)No.15298 of 2015 dated 21.09.2015 by way of any intra-court appeal.

Now impugned notice has been issued calling upon this petitioner to pay a sum of Rs.75,000/- as penalty for the litigation expenses.

5.Since the 1st respondent University was a party to the earlier writ petition in WP(MD)No.15298 of 2015 and the 1st respondent has not challenged the order, the 1st respondent is not justified in imposing the penalty. Therefore, the impugned proceedings is set aside. Accordingly this writ petition is allowed. No costs. Consequently connected miscellaneous petitions are closed.

06.11.2023

dsk

To

The Registrar,
The Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli District.



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B.PUGALENDHI, J.

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