



W.P.(MD) Nos.18855 of 2016
and 23143 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) No.18855 of 2016

and

W.P.(MD) No.23143 of 2015

and

M.P.(MD) Nos.1 and 2 of 2015

and

W.M.P.(MD).Nos.13645 and 13646 of 2016

W.P.(MD) No.18855 of 2016:

Madurai Kamaraj University,
Rep., by its Registrar,
Palkalai Nagar,
Madurai-625 021.

.. Petitioner

Vs.

1.The University Grants Commission,
Rep., by its Secretary,
Bagadur Shah Zafar Marg,
New Delhi-110 002.

2.The Distance Education Bureau,
Rep., by its Education Officer,
University Grants Commission,
35, Feroze Shah Road,
New Delhi-100 001.

.. Respondents



W.P.(MD) Nos.18855 of 2016
and 23143 of 2015

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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records relating to the order in F.No.12-11/2016 (DEB-III) dated July 2016 passed by the 2nd respondent and quash the same and consequently forbear the respondents from prescribing the territorial jurisdiction to the petitioner-University for offering programmes through Open and Distance Learning Mode (Distance Education Mode).

W.P.(MD) No.23143 of 2015:

Madurai Kamaraj University,
Rep., by its Registrar,
Palkalai Nagar,
Madurai-625 021.

.. Petitioner

Vs.

1.The University Grants Commission,
Rep., by its Secretary,
Bagadur Shah Zafar Marg,
New Delhi-110 002.

2.The Distance Education Bureau,
Rep., by its Deputy Secretary,
University Grants Commission,
IGNOU Campus, Maidan Garhi,
New Delhi-110 068.

.. Respondents



W.P.(MD) Nos.18855 of 2016
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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records relating to the order in D.O.No.F.9-8/2008 (CPP-I/PU) dated 12.08.2015 passed by the 1st respondent and quash the same and consequently forbear the respondents from prescribing the territorial jurisdiction to the petitioner-University for offering programmes through open and Distance Learning Mode (Distance Education Mode).

In both cases:

For Petitioner : Mr.T.Sakthi Kumaran

For Respondents : Mr.V.Maharajan

COMMON ORDER

These Writ Petitions have been filed challenging the impugned proceedings dated 12.08.2015 and July 2016 respectively issued by the second respondent, namely, the Distance Education Bureau, represented through its Education Officer, in and by which, the territorial jurisdiction was prescribed to the petitioner University for offering programmes through Open and Distance Learning Mode (Distance Education Mode).



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2. It is brought to the notice of this Court that this issue has already been decided by the Hon'ble Division Bench of this Court in W.A.No.606 of 2015 etc., preferred by the University Grants Commission 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 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”*.

3. Since this issue has already been decided by the Hon'ble Division Bench of this Court, these Writ Petitions are disposed of, in the line of the judgment passed by the Hon'ble Division Bench of this Court



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in W.A.No.606 of 2015 etc., There shall be no order as to costs.

Connected miscellaneous petitions are closed.

01.12.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

ssb



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B.PUGALENDHI, J.

ssb

To

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New Delhi-110 002.

2.The Distance Education Bureau,
Rep., by its Education Officer,
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35, Feroze Shah Road,
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