



WA No.98 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.98 of 2024

Karnataka State Open University,
rep. By its Registrar

: Appellant

versus

International Maritime Academy
rep. By its Managing Director,
having administrative office at
No.33, Ramanujam Street, T.Nagar,
Chennai 17
having academic campus at
No.41, Jamin Korattur,
Puduchatiram, Chennai 602 107

: Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in WP No.30359 of 2018 dated 23.11.2022.

For the Appellant : Mr.N.Umapathi

For the Respondent : Mr.R.Gopinath
for M/s.Mc Gan Law Firm



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JUDGMENT

(Made by the Hon'ble Chief Justice)

This writ appeal is filed challenging the order passed by the learned Single Judge in WP No.30359 of 2018, dated 23.11.2022.

2. We have heard Mr.N.Umapathi, learned counsel for the appellant and Mr.R.Gopinath, learned counsel appearing for the respondent.

3. The respondent herein filed a writ petition seeking directions against the present appellant to issue degree certificates to 724 students who have enrolled through the respondent academy during the academic year 2011-12 and 2012-13 and who have completed their course in B.Sc. Nautical Science, B.Tech (Marine Engineering) and B.Tech (Naval Architecture and Ship Building).

4. Learned Single Judge has partly allowed the writ petition directing the present appellant to release the results as well as degree and provisional degree certificates of the courses affiliated to them, for which they have conducted examinations at the present respondent institution, treating the respondent as a centre within the meaning of Section 3(2) of the Karnataka State Open University



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Act, 1992 for the academic year 2011-12 and 2012-13 alone.

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5. The learned counsel for the appellant submits that the University Grants Commission (for short, 'the UGC') has placed an embargo upon the present appellant to enrol students beyond the State of Karnataka. In view of the restrictions imposed by the UGC, the appellant or its affiliated institute cannot enrol students beyond the State of Karnataka.

6. The respondent/original writ petitioner was operating in the State of Tamil Nadu and the students are residing in the State of Tamil Nadu. As such, the appellant University cannot grant them the degree certificates.

7. The issue pertains to the students appearing in the academic year 2011-12 and 2012-13 through the respondent institute, affiliated at the relevant time, to the present appellant. The substratum of the appellant's contention is that in view of the UGC (ODL) Regulations, 2017, framed by the UGC, the appellant is not in a position to award the degree certificates.

8. Reliance is placed on the judgment of Division Bench of this Court dated 20.01.2023 in WA No.66 of 2015 with connected writ appeals (UGC vs.



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Annamalai University and others).

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9. No regulations as operating in the year 2011-12 and 2012-13 is brought to the notice of the Court, which prohibited the appellant university from admitting students beyond the territorial jurisdiction of that State. The communication by the UGC dated 16.06.2015 also is effective beyond 2012-13. The said letter says that taking cognisance of this fact, the programmes offered by KSOU (the present appellant) has not been recognised by the UGC beyond 2012-13. Similarly, another communication dated 18.08.2021 by the UGC also categorically states that the present appellant was not recognised from the year 2013-14 to 2017-18. Subsequently, UGC Regulations 2017 were notified on 27.06.2017 and no further recognition was given to the University till 2017-18.

10. Reading the aforesaid communications and regulations, it does not appear that the appellant was restricted from operating its open and distance programme for the students beyond the State of Karnataka till the academic year 2012-13.

11. In WA No.606 of 2015, relied by the learned counsel for the appellant, it can be observed that the Coordinate Bench of this Court had also not



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interfered with the order of the learned Single Judge directing the degrees to be given to those whose have passed and enrolled during the academic year 2012-2013.

12. In light of the above, we do not see any error committed by the learned single Judge while passing the impugned order. The writ appeal as such, stands dismissed. There shall be no order as to costs. Consequently, CMP No.592 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

06.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To
The Managing Director,
International Maritime Academy
No.33, Ramanujam Street, T.Nagar,
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