



W.P.No.9225 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.9225 of 2021
and W.M.P.Nos.9766 and 9768 of 2021

Sudharsan Engineering College,
Rep by its Chairman, K.Vijaykumar,
Sathayamangalam, Pudukottai Dist.,
Pudukottai-622 501.

... Petitioner

Vs.

1.The Registrar, Anna University,
Sardhar Patel Road,
Chennai-600 025.

2.The Syndicate of Anna University,
Rep by its Registrar, Anna University,
Sardhar Patel Road, Chennai-600 025.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order of the 1st respondent passed in his proceedings No.22500/COE/C70/MP/2015 dated 09.02.2016 and the consequential final demand made in letter No.125/CAI/AU/2021/8144 dated 26.03.2021 and quash the same as the respondents have no jurisdiction to impose fine as against the Petitioner College.



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For Petitioner : Mr.P.Ebenezer Paul
For R1 : Mr.Avinash Wadhwani
For R2 : No Appearance

ORDER

The instant writ petition has been filed with a prayer for issuing a Writ of Certiorari, calling for the records relating to the order of the 1st respondent passed in his proceedings No.22500/COE/C70/MP/2015 dated 09.02.2016 and the consequential final demand made in letter No.125/CAI/AU/2021/8144 dated 26.03.2021 and quash the same as the respondents have no jurisdiction to impose fine as against the Petitioner College.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the Petitioner-College is conducting various Engineering Courses. It is the submission of the petitioner that vide impugned order dated 09.02.2016, the 1st Respondent-University has imposed a fine against the Petitioner-College

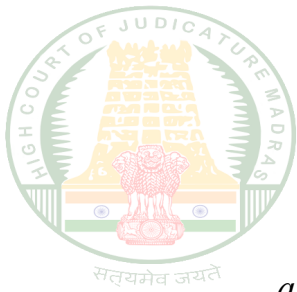


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claiming a sum of Rs.46,40,000/-, as they found certain alleged mistake committed by the Petitioner-College. Since the petitioner has not paid the amount, vide subsequent impugned order dated 26.03.2021, they have suspended the affiliation of the College. It is the specific submission of the petitioner that the Respondents-University does not have any power to impose fine and such position has been settled by the Division Bench of this Court in ***M.A.M.College of Engineering, Represented by its Secretary vs. The Registrar, Anna University of Technology*** (W.A.No.522 of 2020, dated 22.01.2024). The learned counsel would rely upon the Paragraph Nos.9 to 11, for ready reference the same is extracted hereunder:-

“9. We have thoroughly perused the Statutes and Regulations framed by the University. As rightly contended by the learned Senior counsel for the appellant that there is no provision under the Statute of the University by which it was created had empowered the respondent/ University to impose such a penalty. The respondent/ University being a creature of a Statute would be only entitled to exercise its power, functions and duties flowing from the Statute. Any other Act beyond the powers conferred under the Statute would only mean it had traversed beyond its jurisdiction which had been vested with it. The reliance placed upon by the learned counsel appearing for the respondents to Section 5P, in our considered view would



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also not authorise the respondents to impose such a penalty. For better appreciation, the provision of Section 5P is extracted hereunder:-

Section 5 – Powers and functions of the University:

The University shall have the following powers and functions namely:-

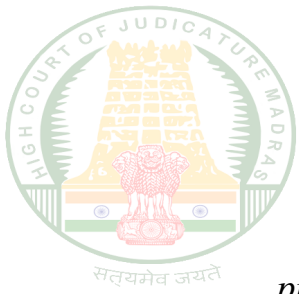
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(P) to demand and receive payment of such fees and other charges as may be prescribed from time to time;

Similarly, the provision of Section 5 (ab) provides as under:-

“(ab) to do all such acts and things, whether incidental to the powers and functions aforesaid or not, as may be necessary or desirable, to further the objects of the University.”

10. The provisions of Section 5P, even though empowers the respondent/ University to demand and receive the payment of such fees and other charges, the same is qualified by making it mandatory that such payment of fees and other charges should have been prescribed from time to time. There is no prescription of any penalty that has been levied by the respondent/ University in this case. In such a view of the matter, without any prescription of authority to levy the fine, the said

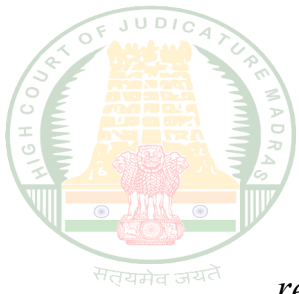


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provision cannot be invoked by the University. Similarly, the Clause (ab) of Section 5 empowers the University to do all such acts or things incidental to the powers and functions as may be necessary or desirable to further the objects of the Act. Objective of the Act has been given under Section 4 of the Statute. A combined reading of Section 5 (ab) and 4 of the Statute also do not clothe the respondent/ University with a power to impose any penalty. The reliance placed upon the learned Single Judge decision of the Allahabad High Court, even though had been relied upon only to persuade us to uphold the finding of the learned Single Judge, in our considered view, the same may not be the correct proposition of law for the simple reason that the respondents being the creature of the Statute cannot act beyond the powers conferred under the Statute. As already we have expressed our view that under the Statute or the Regulations no powers had been vested with the respondent/ University to impose a punishment of penalty.

11. At this juncture, the learned Standing Counsel for the respondents had placed a letter of the 1st respondent addressed to him. From a perusal of the aforesaid letter, the respondent had sought to reserve the right to suspend the affiliation of the appellant/ College for a period of one year as per Section 7.9 of the Affiliation Statutes of the University. This entire episode upon which the appellate college had been proceeded with had taken place in the year 2010. After nearly a decade, the



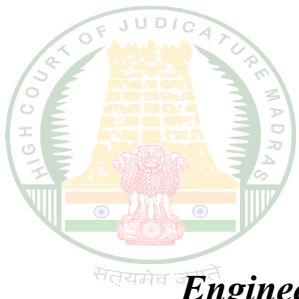
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respondents seek to reserve their right to initiate action against the appellant as per the Statute. We do not propose to grant such liberty to the respondents to initiate action against the appellant. But, however, as a word of caution, we make it clear that the appellant shall not indulge itself in any such activities. We also direct the appellant to execute an undertaking that it shall not indulge in any activity whatsoever contrary to the permission granted by the AICTE as well as affiliation granted by the Anna University. Such an undertaking shall be given by the appellant to the respondent within a period of two weeks from the date of receipt of a copy of this order.”

4. According to the above judgment, this Court has held that the University is being a creature of a Statute would be only entitled to exercise its powers, functions and duties, flowing from the Statute and the power derived by the University to impose fine under Section 5P of the Anna University Act, 1978, does not provide any authority for the University to impose fine and ultimately, quashed the imposition fine.

5. Even in the present case, vide impugned order dated 09.02.2016, the Anna University has imposed a fine of Rs.46,40,000/-, which is in contrary to the judgment of the Division Bench of this Court in ***M.A.M.College of***



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Engineering, Represented by its Secretary vs. The Registrar, Anna University of Technology (W.A.No.522 of 2020, dated 22.01.2024).

Therefore, the same is liable to be quashed. As a concomitant, the withdrawal of the suspension of affiliation dated 26.03.2021 is also to be quashed. Accordingly, the impugned orders passed by the 1st respondent dated 09.02.2016 and 26.03.2021 are quashed.

6. In view of the same, the present Writ Petition is allowed as prayed for. No costs. Consequently, the connected writ miscellaneous petitions are closed.

19.08.2025

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm

To

- 1.The Registrar, Anna University,
Sardhar Patel Road, Chennai-600 025.
- 2.The Registrar, Anna University,
Syndicate of Anna University,
Sardhar Patel Road, Chennai-600 025.



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C.KUMARAPPAN, J.

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