
(2016) 01 MAD CK 0125

In the Madras High Court

Case No : Writ Petition (MD) Nos. 22046 of 2015 and 17237 of 2014

Jayaprakasan J. and Others

APPELLANT

Vs

The Director, DD and CE, Manonmaniam Sundaranar
University and Others

RESPONDENT

Date of Decision : 04-01-2016

Acts Referred:

Citation : (2016) 01 MAD CK 0125

Hon'ble Judges : D. Hari Paranthaman, J.

Bench : Single Bench

Advocate : S. Vijaya Kumar, for the Appellant; Mahaboob Athiff for Ajmal Associates, for the Respondent

Final Decision : Disposed off

Judgement

D. Hari Paranthaman, J.—1. The petitioner in W.P(MD)No.17237 of 2014 is a Study Centre situated in State of Kerala. The said study centre entered into an agreement with Manonmaniam Sundaranar University, Tirunelveli, on 26.05.2010 to operate as study centre of the University.

2. Pursuant to the aforesaid memorandum of understanding between the parties, the petitioner admitted students in various courses.

3. The petitioner in W.P(MD)No.22046 of 2015 is one of the students admitted in the aforesaid study centre for B.Com course in October 2010 for the academic year 2010-11.

4. The Apex Court in Kurmanchal Institute of Degree & Diploma v. Chancellor, M.J.P. Rohilkhand University, reported in , (2007) 6 SCC 35, held that no University that was established by a State Legislature can operate study centre beyond the territory of the State.

5. In view of the aforesaid judgment, the Syndicate of the respondent University passed a resolution on 18.08.2011, stopping all study centre activities outside

the state of Tamil Nadu and the same was communicated to those study centres on 14.11.2011.

6. In these circumstances, the aforesaid decision of the Syndicate came to be questioned by way of batch of writ petitions before this Court. This Court upheld the resolution of the Syndicate of the respondent University in its order dated 28.02.2014 in W.P(MD)Nos.12897 of 2011 etc batch (Global Academy for Management v. Manonmaniam Sundaranar University reported in CDJ 2014 MHC 6225). While upholding the resolution, this Court held that the students admitted prior to 14.11.2011 shall be permitted to complete their courses subject to University Regulations. It is useful to extract paragraph 17 of the said judgment.

"17. In the result, all the writ petitions are dismissed, however, with direction issued to the respondents 1 and 2 to allow the students, who are admitted in the courses conducted by the petitioners/study centres, prior to 14.11.2011, to complete their courses, subject to university regulations and with liberty given to the petitioners/study centres to approach the competent civil court for appropriate remedy, if any."

7. In these circumstances, the petitioner in W.P(MD)No. 22046 of 2015 has come up with the prayer seeking a direction to the University to release the results of the examination conducted in April 2011 and also to issue course completion certificate along with provisional certificate. A similar prayer is also made in W.P(MD) No. 17237 of 2014.

8. Heard both sides.

9. In view of the aforesaid judgment of this Court Kurmanchal Institute of Degree & Diploma v. Chancellor, M.J.P. Rohilkhand University, reported in , (2007) 6 SCC 35, I am of the view that the petitioners are entitled to succeed. Accordingly, the writ petitions are allowed and a direction is issued to publish the results of 44 students who appeared for the examination in April 2011. The petitioners shall pay necessary fee for getting course completion certificate and provisional certificate.

The writ petitions are disposed of in the above terms. No costs.