



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2011

CORAM:

THE HONOURABLE MR.JUSTICE K.N.BASHA

AND

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Appeal (MD) No.1517 of 2011

and

M.P. (MD) .No.1 of 2011

The Anna University of Technology  
Madurai, rep. by its Registrar,  
Madurai-625002.

... Appellant/3<sup>rd</sup> respondent

Vs.

The Dhaya College of Engineering,  
Sivarakottai Village,  
Thirumangalam, Madurai-625 706.  
Rep. by its Principal  
Mr.Pandikumar

... Respondent/Petitioner

Writ Appeal is filed under Clause 15 of Letters Patent against the order of the learned Single Judge, dated 21.10.2011, made in W.P.(MD) No.9667 of 2011.

PRAYER IN W.P.(MD) No.9667 of 2011:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certioraified Mandamus, to call for the records relating to the impugned order of the third respondent in Ref.LR.No.AUTMDU/REG/1-389A/2011-389A, dated 20.08.2011, quash the same and consequently, direct the third respondent to grant affiliation to the petitioner college for the academic year 2011-2012.

For Appellant : Mr.B.Pugalendhi  
for Mr.E.V.N.Siva

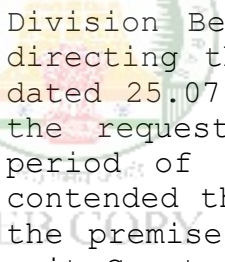
For Respondents: Mr.Veerakathiravan

JUDGMENT

(Judgment of the Court was made by K.N.BASHA, J)

This writ appeal is preferred against the order of the writ Court, dated 21.10.2011, made in W.P.(MD).No.9667 of 2011, allowing the writ petition filed by the respondent herein, setting aside the order passed by the third respondent in the writ petition viz., the appellant herein, Anna University of Technology, Madurai, rejecting the application filed by the respondent seeking for affiliation to the respondent college for the academic year 2011-2012.

2.Mr.B.Pugalenth, learned counsel appearing for the appellant would contend that the writ Court has given a finding against the university and ultimately remanded the matter for fresh consideration, directing the appellant to strictly follow the direction given by the



Division Bench in W.A.(MD)No.740 of 2011, dated 09/10.08.2011 and also directing the appellant to consider the reply of the respondent herein, dated 25.07.2011, apart from considering the statutes and pass orders on the request for affiliation made by the respondent herein, within a period of ten days from the date of receipt of the order. It is contended that the writ Court has held that the University cannot inspect the premises of the respondent college and such being the position, the writ Court order is liable to be set aside. It is further contended that as per the statutes, the University viz., the appellant herein is entitled to inspect the premises of the respondent college and such inspection is also recognized by a Full Bench of this Court.

3.Per contra, Mr.Veerakathiravan, learned counsel appearing for the respondent/caveator would contend that there is no infirmity or illegality in the order passed by the writ Court. It is contended that the impugned order of the appellant was rightly set aside by the writ Court and the writ Court only remanded the matter for fresh consideration by strictly following the direction given by the Division Bench of this Court in W.A.(MD).No.740 of 2011, dated 09/10.08.2011 and also directing the University, the appellant herein to consider the reply given by the respondent herein, dated 25.07.2011, on the request of the affiliation sought for by the respondent herein, as per the statutes, within a stipulated period of ten days from the date of receipt of the copy of the order. It is submitted that there is absolutely no ground made out by the appellant, warranting interference of the Division Bench, in the order of the writ Court.

4.We have given our careful and anxious consideration to the rival contentions put forward by either side and also perused the materials available on record.

5.At the outset, we are constrained to state that the appellant has preferred this writ appeal, inspite of the admitted fact that the writ Court only set aside the impugned order passed by the appellant herein and remanded the matter for fresh consideration, on the basis of the directions given by the Division Bench of this Court in W.A(MD). No.740 of 2011, by order dated 09/10.08.2011 and further directed the appellant to consider the reply submitted by the respondent therein dated 25.07.2011 seeking for the relief of affiliation for the respondent college within a stipulated period of ten days. The learned counsel appearing for the appellant has not made out any case, much less any *prima facie* case, warranting interference of this Court in the order passed by the writ Court. It is to be reiterated that the order passed by the writ Court would not prejudice the rights of the appellant herein, as the appellant has been directed only to strictly follow the directions given by the Division Bench in its order, dated 10.08.2011, in W.A.(MD). No.740 of 2011. However, considering the submissions of the learned counsel for the appellant that certain observations made by the writ Court are against them, we make it very clear that the appellant viz., the Anna University of Technology, shall reconsider the matter afresh, as per the direction given by the Division Bench of this Court in W.A.(MD). No.740 of 2011 and also considering the reply submitted by the respondent herein, dated 25.07.2011, and as per the provisions of the statutes, in respect of the application made by the respondent herein, seeking the relief of affiliation to its college, for the academic year 2011-2012,



without being influenced by any observation made by the writ Court in its order dated 21.10.2011. It is made clear that the appellant herein shall reconsider the matter afresh, as stated above, within a period of three weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ appeal is hereby disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Registrar,  
The Anna University of Technology  
Madurai, Madurai-625 002.

2. The Secretary to Government,  
Higher Education Department,  
Fort St. George, Chennai - 9.

3. The Commissioner cum Director of Technical Education,  
Guindy, Chennai.

+ 1 cc to Mr. Veera Kathiravan, Advocate, SR No. 44602

+ 1 cc to Mr. E. V. N. Siva, Advocate, SR No. 45054

Judgment In  
W.A. (MD) No. 1517 of 2011

Dated: 20.12.2011

gcg  
RJ/6.1.12  
3p/6c