

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS

TUESDAY, THE 24TH DAY OF SEPTEMBER 2013/2ND ASWINA, 1935

WP(C).No. 18376 of 2013 (V)

PETITIONER(S):

E.MOHAMMED THAHA
CHAIRMAN AND MANAGER
P.A.AZIZ COLLEGE OF ENGINEERING AND TECHNOLOGY
KARAKULAM, THIRUVANANTHAPURAM.

BY ADVS.SRI.R.KRISHNA RAJ
SMT.E.S.SONI

RESPONDENT(S):

STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER SRI.K.K.RAJEEV

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-09-2013,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18376 of 2013 (V)

APPENDIX

PETITIONER'(S) EXHIBITS :

EXHIBIT P1: COPY OF THE ORDER OF THE RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

K.T.SANKARAN & M.L.JOSEPH FRANCIS, JJ.

W.P.(C) No.18376 of 2013

Dated this the 24th day of September, 2013

JUDGMENT

K.T.Sankaran, J.

This Writ Petition is filed by the Chairman & Manager of P.A.Aziz College of Engineering and Technology, Thiruvananthapuram, to issue a writ of certiorari to quash Exhibit P1 order dated 18.6.2013 interdicting the petitioner from collecting tuition fee/bus fee from the students of the college until further orders. There is also a prayer to permit the petitioner to collect all types of fee from the students.

2. An interim order dated 1st August 2013, was passed by us. For the sake of convenience, we extract paragraph 4 of the order dated 1st August, 2013 hereunder.

“4.In view of the subsequent developments,

we are of the view that it would not be just and proper to restrain the Management from collecting fees. Accordingly, there will be an interim stay of the operation of Exhibit P1 Government Order dated 18.6.2013 until further orders. The Management would be entitled to collect tuition fee and other legally admissible fees from the students. However, the Management shall not divert the funds and use the tuition fees and other fees for purposes other than for running the College.”

3. The learned counsel appearing for the petitioner submitted that in view of the order dated 1st August, 2013, the Management could collect the fee from the students and therefore, the Writ Petition has practically become infructuous. The learned Government Pleader pointed out that the collection of tuition fee and other legally admissible fees from the students was subject to a condition as mentioned in paragraph 4 of the order dated 1st August, 2013, and

therefore, even if the Writ Petition become infructuous, that condition must prevail.

Accordingly, the Writ Petition is dismissed as infructuous. However, the direction in the order dated 1st August, 2013, that the Management shall not divert the funds and use the tuition fee and other fees for purposes other than for running the college will continue to be in force till the disposal of W.P.(C) No.13668 of 2013, which was filed by the Parents Association of the college in which allegations of mismanagement and diversion of funds were made.

K.T.SANKARAN, JUDGE

M.L.JOSEPH FRANCIS, JUDGE

csI