

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 40988 of 2016
and WMP No.34982 of 2016

Aladipatti Vaithyalinga Nadar
Pathirakali Ammal Educational
and Charitable Trust, rep by
its Secretary and Treasurer
A. Ezhilvanan,
137, Ambai Road, Alangulam,
Tirunelveli - 627852. ... Petitioner

Vs.

- 1.The Government of Tamil Nadu
represented by its Secretary
Higher Education Department,
Secretariat,
Fort.St. George,
Chennai- 600 009
2. Directorate of Collegiate Education,
represented by its Director,
9th Floor, EVK Sampath Buildings,
College Road, Chennai - 600 006
3. The Manonmanian Sundaranar University,
represented by its Vice Chancellor,
Abishekapatti, Tirunelveli,
Tamil Nadu - 627 012

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the second respondent to process the application bearing No.64/2015-16 dated 26.09.2014 and grant permission for commencement of the proposed Arts and Science College namely "Einstein College of Arts and Science" so as to enable the petitioner to seek affiliation to the third respondent University for commencement of the courses for Academic Year 2016-2017.

For Petitioner :Ms.V. Pushpa

For Respondents :Mr.V. Anandamoorthy
Standing Counsel

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct second respondent to process the application bearing No.64/2015-16 dated 26.09.2014 and grant permission for commencement of the proposed Arts and Science College namely "Einstein College of Arts and Science" so as to enable the petitioner to seek affiliation to the third respondent University for commencement of the courses for Academic Year 2016-2017.

3. The petitioner Trust is an Educational and Charitable Trust. The object of the Trust is to establish educational and charitable institutions for the purpose of providing education to all without any discrimination. In order to achieve the objects of the Trust, the petitioner had acquired properties in Sirukkankurichi village and it was duly registered in favour of the Trust and a building has been constructed by the Trustees. The petitioner had named the proposed educational institution as "Einstein College of Arts and Science". The petitioner Trust had applied for grant of permission to the second respondent on 26.09.2014 along with all requisite documents. The petitioner submitted that the application dated 26.09.2014 has been pending for the past two years and therefore the petitioner has filed the present Writ Petition praying to process the Application bearing No.64/2015-16 dated 26.09.2015 and grant permission for commencement of the proposed college.

4. Ms.V. Pushpa, the learned counsel for the petitioner, would submit that the petitioner would be satisfied, if the second respondent is directed to consider the application of the petitioner and pass orders.

5. Mr.V. Anandamoorthy, who takes notice on behalf of the respondents, has got no serious objection in directing the second respondent to consider the application of the petitioner, dated 26.09.2014 and to pass appropriate orders, on merits and in accordance with law. He would contend that in the process of considering and passing order in the application, the second respondent may be granted two months time.

6. Considering the above submissions, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent to consider the application of the petitioner, dated 26.09.2014, and pass appropriate orders, on merits and in accordance with the law within a period of two months from the date of receipt of a copy of this order. It is also made clear that the authorities would take into consideration the judgment of the Hon'ble Supreme Court reported in 2003 (3) SCC 321 (St. Johns Teachers Training Institute vs Regional Director, National Council for Teacher Education and Another)

7. The Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sr

To

- 1.The Secretary,
Government of Tamil Nadu,
Higher Education Department,
Secretariat,
Fort.St. George,
Chennai- 600 009
2. The Director,
Directorate of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai - 600 006
3. The Vice Chancellor.
Manonmanian Sundaranar University,
Abishekapatti, Tirunelveli,
Tamil Nadu - 627 012

+ 2 ccs to Ms. V. Pushpa, Advocate SR.71326
+ 1 cc to Government Pleader Sr.71255

W.P.No. 40988 of 2016

KGK(CO)
Eu 20.1.17