

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7034 of 2016

and

WMP.No.6250 of 2016

St. John's College of Engineering
owned by Sudesi Seva Trust
rep. by its Chairman A.Vijayakumar

... Petitioner

vs.

The State of Tamil Nadu,
rep. by its Hon'ble Principal Secretary,
Higher Education Department,
Secretariat, Chennai 600 009.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to issue a No Objection Certificate for closure of the petitioner college on the basis of the petitioner's representation dated 04.01.2016 and pass orders within a stipulated time.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mr.P.Sanjay Gandhi, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent to issue a No Objection Certificate for closure of the petitioner college, on the basis of their representation dated 04.01.2016 and pass orders within a stipulated time.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondent.

3. According to the petitioner, their institution was established by the Sudesi Seva Trust and started functioning from the year 2009. They have been granted approval by AICTE, which is valid till the Academic Year 2015-16. Since, there has been no student intake from the Academic Year 2010-11 onwards,

the Trust decided to close the institution, for which, they have to get no objection certificate from the Anna University as well as from the respondent herein. Accordingly, the petitioner submitted applications to both the authorities on 18.8.2015 and they received a no objection certificate from the Anna University for closure of their college on 06.10.2015. However, the respondent, by a communication dated 03.11.2015, called for certain details, which were also duly complied with by the petitioner on 06.11.2015 itself. But, till date, no order has been passed by the respondent herein. Therefore, the petitioner has filed the present petition for the above stated relief.

4. Learned counsel for the petitioner submitted that since the last date for submitting the application for closure of the petitioner's college to the AICTE was on 20.02.2016, which was subsequently extended to 29.02.2016, he sought for a direction to the respondent to issue a no objection certificate to the petitioner immediately.

5. In view of the submission so made by the learned counsel for the petitioner, this Court directs the respondent to consider the representation of the petitioner dated 04.01.2016, by affording an opportunity of personal hearing to the petitioner and pass appropriate order with regard to closure of the petitioner's college, on or before 29.02.2016. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to pass appropriate order purely on merits and in accordance with law.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.
rk

s/d-
Assistant Registrar (CS-VI)

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

To

The Principal Secretary,
Higher Education Department,
Secretariat, Chennai 600 009.

+ 1 cc to Mr.G.Jermiah, Advocate SR 12136

sns (co)
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