



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.11.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.22839 of 2016
and

W.M.P (MD)No.16342 of 2016

A.Rajendran,
S/o.Anumuthu Nadar,
Secretary,
The Tuticorin Educational Socieity,
488/1, Thiruchendur Road,
Thoothukudi - 628 003.

... Petitioner

Vs.

1.The Director of Collegiate Education,
College Road,
Nungampakkam,
Chennai - 600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order bearing Aa.Thi.Mu.No.9466/E2/2016, dated 28.09.2016 passed by the second respondent and quash the same and consequently direct the respondents to grant approval to the petitioner as Secretary, Kamaraj College, Thoothukudi.

For Petitioner	: Mr.M.Vallinayagam, Senior Counsel for Mr.T.Antony Arul Raj
For Respondents	: Mr.V.Muruganandham, Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.



2. By consent, the Writ Petition itself is taken up for final disposal.

3. This Writ Petition has been filed by the petitioner challenging the order in Aa.Thi.Mu.No.9466/E2/2016, dated 28.09.2016 passed by the second respondent and to direct the respondents to grant approval to the petitioner as Secretary, Kamaraj College, Thoothukudi.

4. According to the petitioner, he was elected as a Secretary of the petitioner Society and the petitioner Society is running a college in the name of Kamaraj College, Thoothukudi and the petitioner is entitled to act as a Secretary of the said college.

5. In the above circumstances, he has filed an application before the respondents to approve him as Secretary of the School Committee. But, the above said application has been returned by the second respondent, directing the petitioner to submit some of the required particulars for considering his application, namely, Form VII and the details of the School Committee etc., Challenging the above order, the present Writ Petition has been filed.

6. The learned Senior counsel appearing for the petitioner would submit that insofar as the Form VII is concerned, there is no requirement that Form No.VII should be approved by the Registrar of the Societies and insofar as the suits filed by the rival claimants are concerned, one suit was dismissed for default and another suit challenging the election of the petitioner as Secretary is pending in O.S.No.21 of 2016 on the file of the Principal District Munsif Court, Thoothukudi and hence, the petitioner cannot file a Certificate stating that 'no suit is pending'.

7. The learned Additional Government Pleader appearing for the respondents submitted that only the application of the petitioner has been returned and it is always open to the petitioner to re-present the same after complying with all the requirements and he cannot maintain a writ petition.

8. Since the second respondent has only returned the application of the petitioner directing the petitioner to furnish more particulars, the petitioner is directed to furnish all the requirements and in respect of pendency of the suit is concerned, the petitioner is also directed to file an affidavit regarding the pendency of the suit and in the event of petitioner re-presenting the above application with necessary documents, the second respondent is directed to forward the same to the first respondent and on receipt of the same, the first respondent is directed to consider the said application and pass suitable orders as expeditiously as possible.



With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/
Assistant Registrar(C.O.,)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Director of Collegiate Education,
College Road,
Nungampakkam,
Chennai - 600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

+1cc to M/s.T.Antony Arul Raj, Advocate, in SR No.73427.

+1cc to Special Government Pleader in SR.No.73704.

W.P(MD)No.22839 of 2016
28.11.2016

pm
msm/ck/sar1/09.12.16/p2/5c