



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.5937 of 2016

B.T.K.Educational Trust,
rep. By its Correspondent B.T.Arasakumar. ... Petitioner
Vs.

1.The Director,
Collegiate Education,
Chennai-06.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Pudukkottai.

3.The Joint Director,
Collegiate Education,
Tiruchirappalli Region,
Tiruchirappalli.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to process the petitioner's Application dated 27.12.2012 for starting Arts and Science College taking into consideration the recommendations of the 2nd and 3rd respondents by their proceedings vide Na.Ka.Aa1/526/2012 dated 24.05.2013, Na.Ka.No.2520/A4/2015 dated 23.4.2015 respectively in light of the petitioner's compliance communication dated 23.09.2015 within a time frame fixed by this Hon'ble Court.

For Petitioner : No appearance
For Respondents : Mr.J.Gunaseelan Muthiah
Government Advocate for
Mr.N.S.Karthikeyan
Additional Govt. Pleader

ORDER

Heard the Learned Government Advocate appearing for the Respondents.

2. No counter is filed on behalf of the Respondents.

<https://hcservices.ecourts.gov.in/hcservices/> According to the petitioner/Educational Trust, it wanted to start an Arts & Science College under the name and style



of 'Kokila Arts and Science College' at Viralimalai, Pudukkottai District and in this regard, it projected an application dated 27.12.2012, which was duly acknowledged by the second respondent/District Revenue Officer on 30.12.2012. It appears that after presenting the application together with necessary fee for processing the same, the petitioner made a request to the second respondent/District Revenue Officer, Pudukkottai to make necessary inspection through the third respondent/Joint Director of Collegiate Education, Trichirappalli and in this regard, the petitioner made a representation dated 10.03.2015.

3. The stand of the petitioner is that the first respondent/Director of Collegiate Education, Chennai, had directed the second respondent/District Revenue Officer, Pudukkottai to inspect the petitioner's College and asked him to file a detailed report to that effect. As a matter of fact, the second respondent together with the inspection team came up for inspection on 20.04.2013 and pursuant to the inspection, the third respondent/Joint Director of Collegiate Education, Trichirappalli, by means of proceedings dated 23.05.2013 had recommended to the first respondent for starting of the college.

4. It comes to be known that by communication dated 19.03.2015, the third respondent/Joint Director of Collegiate Education, Trichirappalli, was directed to make another inspection with necessary check list and based on that, on 22.04.2015, a detailed inspection was carried out by the third respondent together with an inspection team. By means of communication dated 23.04.2015, the inspection team headed by the third respondent/Joint Director of Collegiate Education had recommended for starting the college. Further, it appears that the first respondent/Director of Collegiate Education, after perusing the recommendation and inspection report, by means of proceedings dated 03.09.2015 had sought certain clarifications from the third respondent. Moreover, based on the communication of the first respondent/Director of Collegiate Education, Chennai, the third respondent/Joint Director of Collegiate Education, Trichirappalli had asked for additional particulars and also additional amount of Rs.15,000/- towards the additional fees from the petitioner. In turn, the petitioner, through its communication, dated 23.09.2015, had completely clarified all the queries. Indeed, the said communication was received by the third respondent/Joint Director of Collegiate Education, Trichirappalli and was forwarded to the first respondent/Director of Collegiate Education, for passing necessary orders granting permission to start the College.

5. The real grievance of the petitioner is that even <https://hccer.courts.gov.in/services> of the Recommendations, Inspection Report, Necessary Fee, Clarifications, the first respondent/Director of Collegiate Education, Chennai-6 is not acting on the petitioner's



application. Since there is an inordinate delay in processing the application, the petitioner is performed to file the present writ petition before this Court.

6. In the present case, it is quite evident that the petitioner/B.T.K. Educational Trust had submitted a representation on 23.09.2015 to the third respondent/Joint Director of Collegiate Education, Trichirappalli, *inter alia* to the effect that it had remitted a sum of Rs.15,000/- at the treasury under the head 'Government Accounts'.

7. Inasmuch as the relief sought for by the petitioner/B.T.K. Educational Trust, Chennai is only for passing of an order by this Court in directing the first respondent/Director of Collegiate Education to process its application dated 27.12.2012 for stating an Arts and Science College, taking into consideration of the recommendations of the 2nd respondent/District Revenue Officer, Pudukkottai and the third respondent/Joint Director of Collegiate Education, dated 24.05.2013 and 23.04.2015 respectively and in the light of its communication dated 23.09.2015 and this Court, without delving deep into the merits of the subject matter in issue and also not expressing any opinion one way or the other, on the contents of the representation of the petitioner, dated 23.09.2015, addressed to the third respondent, at this stage, simpliciter, directs the first respondent/ Director of Collegiate Education to look into the entire gamut of the matter viz., processing the petitioner's application dated 27.12.2012 by taking into consideration of the recommendations of the 2nd respondent and third respondent by proceedings dated 24.05.2013 and 23.04.2015 respectively, in the light of the petitioner's compliance communication dated 23.09.2015, within a period of 10 days from the date of receipt of copy of this order. Thereafter, the first respondent is to pass necessary, speaking orders, in respect of the petitioner's application dated 27.12.2012 on merits in a fair, free, unbiased and dispassionate manner (Of-course, by providing necessary opportunity to the petitioner and others concerned by adhering to the principles of Natural Justice), within a period of three weeks thereafter. The petitioner/Educational Trust is directed to lend its helping hand and unstinted co-operation and assistance to the first respondent/ Director of Collegiate Education so as to enable him to pass necessary orders on its application dated 27.12.2012 within the time adumbrated by this Court.

8. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Records)



To

- 1.The Director,
Collegiate Education,
Chennai-06.
- 2.The District Revenue Officer,
Office of the District Revenue Office,
Pudukkottai.
- 3.The Joint Director,
Collegiate Education,
Tiruchirappalli Region,
Tiruchirappalli.

+1cc to Spl.Government Pleader Sr.No.35639
vs
AA/ARK-PV/18.07.2016/4p-5c

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