

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9087 of 2017
and
W.M.P.No.10030 of 2017

A. Nabeela

Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Higher Education,
Fort St. George,
Chennai - 600 009.
 2. The Registrar,
Bharathidasan University,
Trichy.
 3. The Director,
The Directorate of Arts & Science College,
College Road,
Chennai - 600 006.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus to direct the third respondent to send the Expert Committee for inspection and communicating the final decision on the application submitted by the petitioner dated 29.09.2016 for starting the Arts and Science College at Adirampattinam, Thanjavur District for the academic year 2017-2018.

For Petitioner : Mr.M.MD.Ibrahim Ali
For Respondents : Mr.G.Anandhamurthy,
Additional Government Pleader
(Education) for R1 & R3

O R D E R

This Writ Petition has been filed seeking for a direction to the third respondent to send the Expert Committee for inspection and communicate the final decision on the application submitted

by the petitioner dated 29.09.2016 for starting the Arts and Science College at Adirampattinam, Thanjavur District for the academic year 2017-2018.

2. It is the case of the petitioner that the Shaduli Educational Trust is run by the Muslim minority which is approved by Tamil Nadu Government. Higher Education Department G.O. 2(D) No.18, dated 03.03.2016. The above said trust is already running Diploma in Teacher Education Course from 2005 and Bachelor of Education Course from the Academic Year 2012-2013 successfully. While so, the first respondent has issued G.O.No.356, dated 29.09.2009 prescribing guidelines for starting Self-financing Arts & Science Colleges subject to certain condition. Subsequently by G.O.Ms.No.40, dated 28.02.2014, the first respondent has issued revised guidelines with regard to requirement of extent of land for starting of new Self-financing Arts & Science college. The petitioner has submitted the application for opening of an unaided Private Arts & Science College by Private Educational Agencies as per the above said Government Orders for opening of the Courses namely B.A. English, B.Sc. Mathematics, B.Sc. Computer Science, B.Com and B.B.A. along with the necessary enclosures and the fees on 29.09.2016. The petitioner has further stated that he has also sent application to the second respondent on 29.09.2016 with the request to grant permission to start the S.M.S.Women's College enclosing the building plan submitted with President of Village Panchayat, Mazhavenirkadu, Adirampattinam. The third respondent on 02.12.2016 has directed the petitioner to clarify certain points. The petitioner on 18.03.2017 has submitted his reply to the clarification of the third respondent dated 02.12.2016 and enclosed the Patta copy, Sub-Division of the Land and the land sketch. But till date, the third respondent has not sent the expert committee for inspection. Hence the inaction on the part of the third respondent is highly arbitrary and illegal.

3. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 and 3.

4. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side, this Court, without going into merits of the case, directs the third respondent to send the Expert Committee for inspection and communicate the final decision taken on the application submitted by the petitioner dated 29.09.2016, within a period of four weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of accordingly. No Costs.
Consequently connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Higher Education,
Fort St. George,
Chennai - 600 009.
2. The Registrar,
Bharathidasan University,
Trichy.
3. The Director,
The Directorate of Arts & Science College,
College Road,
Chennai - 600 006.

+1cc to Mr.MD. Ibrahim Ali, Advocate, S.R.No.22913
+1cc to the Government Pleader, S.R.No.23288

nmi (CO)
md(19/04/2017)

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