

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12-06-2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5313 of 2017  
and W.M.P.No.5627 of 2017

Tamilvel Uma Maheswaranar  
Karanthai Arts College,  
Karanthai,  
Tanjore 613 002  
Rep by the President N.Kaliyamoorthy .... Petitioner

-Vs-

1. The State of Tamilnadu Rep by the  
Secretary to Government,  
Higher Education Department,  
Chennai 600 009
2. The Director of Collegiate Education,  
9th Floor, E.V.K.Sampath Building,  
College Road, Chennai 6
3. The Joint Director of College Education,  
Saraboji College Complex,  
Tanjore Region, Tanjore .... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent in his Proc.Moo.Mu.No.5463/F9/2017, dated 21.02.2017 and quash the same and direct the respondents to permit Thiru.R.Sundaravadanam as temporary Secretary of the Petitioner Committee.

For Petitioner : Mr.R.Singaravelan,  
Senior Counsel for  
Mr.M.Srividhya

For Respondents 1 to 3 : Mr.V.Anandhamurthy  
Additional Government Pleader

## O R D E R

The Writ Petition is filed by the President of the petitioner-College seeking to quash the proceedings of the second respondent in his Proc.Moo.Mu.No.5463/F9/2017, dated 21.02.2017 and direct the respondents to permit Thiru.R.Sundaravadanam as temporary Secretary of the Petitioner Committee.

2. The College Committee is the Committee properly constituted within the meaning of Section 14 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 and Rule 8 of the Tamil Nadu Private Colleges (Regulation) Rules 1976. The Secretary of the College Committee is one S.Ramanathan, who has been managing the day-to-day affairs of the College. As he is now ailing with serious health issues and as he is hospitalized, his son R.Sundaravadanam was unanimously elected as temporary Secretary till the said Ramanathan recovered. It is also stated that the said R.Sundaravadanam is the Vice President of the College Committee and that is why he was allowed to be the Secretary of the Committee for the time being. The educational authorities, while accepting his election for clearing the Bill for the School, without rhyme or reason, ordered for direct payment to the College Staff through the third respondent.

3. It is the case of the petitioner that the impugned order passed by the second respondent ordering for direct payment is arbitrary, as the genuine request made by the petitioner has not been considered in its proper perspective. The impugned order came to be passed at the instance of the complaint given by two of the teachers against whom the dismissal proposal is pending.

4. Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioner submitted that as per Section 8 of the Tamil Nadu Private Colleges (Regulation) Act, 1976, the payment of salary to the staff of the College is prerogative right of the College and the Government alone is empowered to withhold the grant and that the second respondent has no power to withhold the grant. As per Section 10(3) of the Act, an opportunity should have been afforded to the petitioner as an Educational Agency before any order is being passed. Without such an opportunity to the petitioner, the order passed is bad in the eye of law. The order dated 21.02.2017, which is now impugned, empowers the Director of College Education to manage the grant only till 30.04.2017. It is not extended beyond the said date. However, the learned Senior Counsel appearing the petitioner submits that though the impugned order has come to an end as early as on 30.04.2017, till today, the salary of the staff of the College was not paid to the College Committee.

5. The grievance of the petitioner is that already his representations dated 23.02.2017 and 15.02.2017, though finds a reference in the impugned order, have not been considered in the proper prospective. Therefore, the impugned order has come to an end on 30.04.2017. The first respondent, who has got the power under Section 10 of the Tamil Nadu Private Colleges (Regulation) Act, 1976, is directed to consider and pass fresh orders after giving an opportunity to the petitioner. The petitioner is also directed to make his representation to the first respondent within a week from the date of receipt of a copy of this order and thereafter, within a period or six weeks, the first respondent is directed to pass orders on the said representation.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Secretary to Government,  
State of Tamilnadu  
Higher Education Department,  
Chennai 600 009
2. The Director of Collegiate Education,  
9th Floor, E.V.K.Sampath Building,  
College Road, Chennai 6
3. The Joint Director of College Education,  
Saraboji College Complex,  
Tanjore Region, Tanjore

+1cc to M/s.M.Srividhya, Advocate, S.R.No.41549

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and  
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SJ(CO)  
CS/14/06/17