

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.14277 of 2017

Amutha Educational Trust,
Represented by its
Chairman and Managing Trustee,
B.Balakrishnan,
A-90, Anna Nagar, Chennai-600 102.

... Petitioner

vs.

1.The Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Fort St. Geogre, Chennai-600 009.

2. The Director of Collegiate Education,
Egmore, Chennai-600 006.

3. The Registrar,
Madras University,
Chepauk, Chennai-600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1&2 to process the application submitted by the petitioner herein dated 28.09.2013 for opening of an unaided private Arts and Science and College in the name of Rajeswari College of Arts and Science and grant permission forth with in pursuance of the direction of the Hon'ble Court dated 23.03.2015 in W.P.No. 5190/2015 and the DRO's (District Revenue Officer) report dated 27.05.2015 and direct the third respondent to grant affiliation to the petitioner college within a stipulated period by processing the application dated 30.09.2013.

For Petitioner : Mrs.Vijayakumari Natarajan

For Respondents: Mr.A.Kumar

Special Government Pleader
for R1 & R2.

Mr. R.Gopinath,
Standing counsel for R3

O R D E R

The petitioner seeks for a mandamus directing the Respondents 1 and 2 to process the application submitted by them dated 28.09.2013 for opening of an unaided private Arts and Science College in the name of Rajeswari College of Arts and Science and grant permission. They also seek for a direction to the third respondent to grant affiliation to the petitioner college by processing their application dated 30.09.2013.

2. Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents.

3. The grievance of the petitioner is that their application seeking for permission to start the unaided Private Arts and Science College is still pending before the first respondent Government without passing any order on the same.

4. According to the petitioner, they have complied with all the requirements and therefore, there will not be any impediment for the respondents 1 and 2 to consider their application for grant of permission. In fact, the very same petitioner approached this Court earlier and filed a writ petition in W.P.5190 of 2015 seeking for the very same relief, wherein, this Court passed an order on 23.03.2015, directing the District Collector, Tiruvallur, to consider the request of the petitioner and pass appropriate orders and forward the same to the second respondent as expeditiously as possible and that on receipt of such report, the Directorate of Collegiate Education, shall consider the petitioner's application and submit a report to the first respondent after affording an opportunity of personal hearing to the petitioner as well. Pursuant to the said order passed by this Court, it appears, several communications were made between the parties. Now, it is contended that the first respondent has to only pass a final order on the petitioner's request. Needless to say that the first respondent has to pass a final order on the petitioner's request without loss of further time as the very application itself was made in the month of September, 2013 itself.

5. Therefore, without expressing any view on the merits of the matter, I only direct the first respondent to pass orders on the petitioner's application on merits in accordance with law within a period of six weeks from the date of receipt of a copy of this order. Only after getting such permission, the question

of seeking affiliation from the third respondent University would arise. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vsi/bsm

To

1. The Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
2. The Director of Collegiate Education,
Egmore, Chennai-600 006.
3. The Registrar,
Madras University,
Chepauk, Chennai-600 005.

+ 1 cc to M/s. S. Natarajan, Advocate SR.50874
+ 1 cc to Government Pleader Sr.51361

W.P.No.14277 of 2017

RR(CO)
EU 4.08.17

सत्यमेव जयते

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