

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 8143 of 2013

and

M.P. No. 2 of 2013

K.M.G College of Arts and Science
rep. By its Secretary
K.M.G. Rajendran ... Petitioner

Vs.

1. The Principal Secretary
Department of Higher Education
Government of Tamilnadu
Fort St. George
Chennai-600 009
2. The Secretary to Government
of Tamil Nadu
Adi Dravidar & Tribals
(ADW3) Department
Chennai - 600 009.
3. The Commissioner
Department of Adi
Dravidar Welfare
Chennai - 600 005. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring the 2nd respondent's order made in G.O.Ms. No.92 Adi Dravidar and Tribal Welfare Department (ADW3) dated 11.09.2012 as null and void and contrary to Article 14 of the Constitution of India in so far as it relates to the petitioner Self Financing Arts and Science Colleges is concerned and pass further orders.

For Petitioner	: Mr. Sellapandian for M/s. K.A. Ravindran
For Respondents	: Mrs. P. Rajalakshmi Government Advocate

O R D E R

The petitioner has filed the present writ petition, to declare the 2nd respondent's order made in G.O.Ms. No.92 Adi Dravidar and Tribal Welfare Department (ADW3) dated 11.09.2012 as null and void, contrary to Article 14 of the Constitution of India in so far as it relates to his Self Financing Arts and Science Colleges are concerned.

2. Learned counsel for the petitioner submitted that the petitioner college is an unaided Self Financing Institution affiliated to Thiruvalluvar University, Vellore. It is further submitted that no Fees Fixation Committee for the private Unaided Self Financing Arts and Science Colleges has been constituted so far by the Tamil Nadu Government and that the petitioner college collects only moderate fees. Learned counsel further submitted that G.O.Ms.No.6 Adi Dravidar and Tribal Welfare Department dated 09.01.2012 and G.O.Ms.No.92 Adi Dravidar and Tribal Welfare Department dated 11.09.2012, has been passed instructing Self Financing Arts and Science Colleges not to collect any tuition fees from the SC/ST students, as the same shall be reimbursed by the Government of Tamil Nadu, are intended for students admitted under free and payment seats as implied in the respective abstracts, which are not applicable to unaided Self Financing Arts and Science college, wherein no such seats exist. The 3rd respondent, by his letter dated 17.09.2012 has directed all the Self Financing Arts and Science Colleges to implement the impugned G.O. Thereafter, the petitioner College sent a representation on 27.12.2012 to the 2nd and 3rd respondents, requesting to reimburse the actual fee paid by the SC/ST students to the petitioner College. But, the respondents have not taken any action and so the petitioner has filed this writ petition.

3. On 21.08.2014, in the connected cases in W.P. Nos. 6796 & 7614 of 2014, this Court directed the respondents to constitute a Fee Fixation Committee for Arts and Science Colleges in the entire State. Learned Government Advocate produced a copy of the letter dated 03.02.2017, issued by the Government, stating that after due consultation with the advisory department like Law Department the proposal for constitution of fee fixation committee is in process. Hence, four months time is required to issue necessary orders.

4. Learned counsel for the petitioner has no objection in recording the said letter. In view of the aforesaid letter, which forms part of the records, nothing survives for adjudication in this matter.

5. Therefore, the writ petition is disposed of. Consequently, the connected M.P is closed. No order as to costs.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

avr

To

1. The Principal Secretary
Department of Higher Education
Government of Tamilnadu
Fort St. George, Chennai-600009
2. The Secretary to Government
Adi Dravidar & Tribals
(ADW3) Department
Chennai - 600 009.
3. The Commissioner
Department of Adi Dravidar Welfare
Chennai - 600 005.

+1cc to M/s.K.A.Ravindran, Advocate sr.7685

+1cc to Government Pleader sr.8144

W.P. No. 8143 of 2013
and
M.P. No. 2 of 2013

rsk(co)
ss(11/4/2017)

सत्यमेव जयते

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