

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.9643 of 2004
and
W.M.P.No.11267 of 2004

Loordhu Ammal Educational Trust,
rep. by its Secretary,
Dr.S.Peter.

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by Director of Collegiate Education,
DPI Complex, College Road,
Chennai - 600 006.

2.Southern Regional Committee,
National Council for Teacher Education,
rep. by its Secretary,
I Floor, CSD Building,
H.M.T. Post, Bangalore - 560 031.

... Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records, comprised in Na.Ka.No.52495/Q1/2003, on the file of the Director of Collegiate Education, Chennai - 600 006/first respondent, dated 02.03.2004 and to quash the same, and consequently, to direct the respondents to pass appropriate orders on the application of the petitioner, dated 23.12.2003, seeking approval to start a new institution, in the name of our lady college of Education at Maduravoyal, Chennai - 600 102, for imparting B.Ed. course for the academic year 2004-2005.

For Petitioner : No appearance

For Respondent-1 : Mr.A.Zakkir Hussain
Government Advocate

For Respondent -2 : No appearance

O R D E R

The petitioner is an Educational Trust, represented by the Secretary. The petitioner-Trust proposed to start a College under the name and style 'Our Lady College of Education', Maduravoyal, for the purpose of imparting B.Ed Course for the academic year 2004-2005. After complying with all statutory requirements, norms and specifications as required in law, the petitioner-Trust submitted an application to the first respondent on 23.12.2003, seeking approval for the aforesaid purpose. The first respondent, by an impugned order, dated 02.03.2004, returned the application, by stating that, the Government has taken a policy decision not to grant permission for starting a new College for the year 2004-2005. Aggrieved by said order, the present Writ Petition is filed, seeking to quash the same.

2. When the Writ Petition is taken up, there is no appearance on behalf of the petitioner, and the second respondent. Heard the learned Government Advocate for the first respondent. Since the Writ Petition is of the year, 2004, and it is pending for more than a decade, this Court is not inclined to keep it pending any more, and is proceeding to dispose of the same with the materials available on record.

3. On perusal of the records, this Court is of the view that the impugned order passed by the first respondent, requires no interference. It is an admitted fact that the Government has taken a policy decision not to grant permission to start new College for the year 2004-2005. When that being so, the petitioner-Trust cannot be conferred with any right to seek permission to start a new College. Further, the order under challenge is to the return of the application by the first respondent, and the case of the petitioner has not been decided by the respondents on merits. When there was a ban imposed by the Government for consideration of application with regard to the grant of approval for starting a new College, there is no reason to consider the grounds set out in the Writ Petition.

4. In the result, the Writ Petition is dismissed as being devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of Collegiate Education,
State of Tamil Nadu
DPI Complex, College Road,
Chennai - 600 006.

2.The Secretary,
Southern Regional Committee,
National Council for Teacher Education,
I Floor, CSD Building,
H.M.T. Post, Bangalore - 560 031.

+lcc to the Government Pleader, S.R.No.19544

Writ Petition No.9643 of 2004

CS V
CA(14/07/2017)



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