



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MRS.JUSTICE **P.VELMURUGAN**

**W.P.[MD].No.4449 of 2017**

**and**

**W.M.P(MD).No.3571 of 2017**

K.S.Sharfudeen

: Petitioner

Vs.

1.The Secretary to Government,  
Backward Classes & Most Backward Classes,  
Minority Welfare Department,  
Government of Tamil Nadu,  
Fort, St. George,  
Chennai 600 009.

2.The Tamil Nadu Wakf Board,  
Represented by its Chief Executive,  
No.1, Jaffer Sironi Street,  
Vallal Seethaikathi Nagar,  
Chennai 600 001.

3.The Hon'ble Administrator,  
MKN Trust, Adirampattinam,  
Thanjavur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to fill up all the sanctioned vacancies in Kadar Mohideen College, Adirampattinam, Tanjavur, within the administrative control of the third respondent.

For Petitioner : Mr.Veera Kathiravan,  
Senior Counsel  
M/s.Veera Associates

For Respondent No.1 : Mr.S.Chandrasekar,  
Government Advocate.

For Respondent No.2 : Mr.K.K.Senthil

For Respondent No.3 : Mr.G.R.Swaminathan  
Assistant Solicitor General of India

**O R D E R**

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[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.Veera Kathiravan, learned Senior Counsel appearing for the petitioner and Mr.S.Chandrasekar, learned Government Advocate, who accepts notice for the first respondent, Mr.K.K.Senthil, learned Standing Counsel, who accepts notice for the second respondent and Mr.G.R.Swaminathan, learned Assistant Solicitor General of India, who accepts notice for the third respondent.

2. The petitioner is a resident of Adirampattinam Town Panchayat and stated to be one of the legal heirs of the Founder of the Trust, called as "MKN Madarasa Trust", Adirampattinam, Thanjavur. In this Writ Petition, the petitioner seeks for a direction to the respondents to fill up the sanctioned vacancies in Kadar Mohideen College, Adirampattinam, Thanjavur, which is now under the administration of the third respondent. The third respondent has been appointed as an Administrator to administer the college, pursuant to the orders of the Court. Initially, Hon'ble Mr.Justice K.Sampath was appointed as Administrator. After his demise, Hon'ble Mr.Justice M.Thanikachalam has been appointed as the Administrator.

3. The only issue, that requires to be considered, is as to whether the Hon'ble Administrator can be permitted to call for applications and fill up the vacancies in the post of Assistant Professors, which are existing as-on-date in the said college. The problem has arisen on account of the fact that the scope of the nature of duties and powers exercisable by the Hon'ble Administrator are only to attend the day-to-day affairs. Therefore, the Administrator, in his report dated 06.04.2017, has expressed his difficulties, because the power under the appointment as Administrator is only to attend the day-to-day affairs and therefore, Administrator has not taken up the filling up of vacancies and seeks for appropriate direction to empower him to fill up the vacancies.

4. The learned Standing Counsel appearing for the second respondent does not have any objection for the Hon'ble Administrator to be empowered to fill up the vacancies.

5. In our considered view, attending to the day-to-day affairs would mean that the institution should be administered in a proper manner, for which the existing vacancies have to be filled up. Unless and until the vacancies are filled up, the students cannot be imparted with quality education and it will ultimately reflect upon the institution. Therefore, we are of the clear view that the Administrator should be fully empowered to fill up vacancies, which are existing as-on-date, by following the



procedure established by law.

6. Accordingly, the Writ Petition is disposed of, by empowering the Hon'ble Administrator to fill up the existing vacancies, by adopting the procedures contemplated under the relevant Rules and Regulations. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,  
Backward Classes & Most Backward Classes,  
Minority Welfare Department,  
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Fort St. George, Chennai 600 009.
- 2.The Tamil Nadu Wakf Board,  
Represented by its Chief Executive,  
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Vallal Seethaikathi Nagar, Chennai 600 001.
- 3.The Hon'ble Administrator,  
MKN Trust, Adirampattinam,  
Thanjavur District.

+1 cc to Mr.G.R.Swaminathan , Advocate in SR.No. 52610  
+1 cc to Mr.Veera Associates , Advocate in SR.No. 52543  
+1 cc to Mr.K.K.Senthil , Advocate in SR.No. 52660  
+1 cc to Special Government Pleader in SR.No:52770

NB

AE/SV MMS/SAR2/26.04.2017/3P/8C

**ORDER MADE IN  
W.P. [MD] .No.4449 of 2017  
18.04.2017**