

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.03.2018

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.6478 of 2018

C.M.Chinnasamy

.. Petitioner

vs

- 1.State of Tamil Nadu rep.by its
Principal Secretary to Government,
Higher Education (B2) Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Technical Education,
Chennai-25.
- 3.KK347, Dharmapuri District Cooperative,
Sugar Mills Limited,
Palacode-636 808,
Dharmapuri District,
rep.by its
Managing Director.
- 4.The Principal,
Dharmapuri District Cooperative
Sugar Mills Polytechnic College,
Palacode-636 808,
Dharmapuri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider and pass specific orders in respect of 1.reservation for the members family 45% and 2.reservation for Labours family 5% in admission to the diploma course 3.absorption of the consolidated pay and daily wage employees (teaching and non teaching) as regular employees. 4.to pay compensation to the Society towards the lands, building and machineries taken over from the Society, in addition to the Government Order in G.O.Ms.No.26, Higher Education (B2) Department dated 30.01.2018 and to implement the same.

For Petitioner : Mr.S.Doraisamy

For R1 & R2 : Mr.A.Rajaperumal
Additional Government Pleader

O R D E R

The petitioner is one of the share holders in KK347 Dharmapuri District Co-operative Sugar Mill Limited (which is hereinafter referred to as 'Society'). The said Society started a self financing Polytechnic College for the welfare of the members of the Society and the public, after getting permission from the Government in G.O.Ms.No.1344 Education Department, dated 12.10.1984. In the year 2013, they sent a proposal for converting the said self financing Polytechnic College into a Government Polytechnic College, to the Director of Technical Education, Chennai, who recommended the same to the Government, which, in turn, passed an order in G.O.Ms.No.26, Higher Education (B2) Department, dated 30.01.2018 in this regard.

2.However, in the said Government Order, there was no mention about the compensation towards the lands, building and machineries taken over from the Society; absorption of the consolidated pay and daily wage employees (teaching and non-teaching) as regular employees; and reservation quota system for admitting the students of the following categories:

(a)Reservation for the members' family 45%

(b)Reservation for Labours' family 5%

Hence, they submitted a representation dated 19.03.2018 to the respondents, requesting to include the aforesaid provisions in the G.O.Ms.No.26, Higher Education Department (B2) Department dated 30.01.2018. Finding no response on the said representation, they have come up with the present writ petition for a Mandamus, directing the respondents to consider and pass appropriate orders in this regard.

3.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2, who submitted that the petitioner has not enclosed a copy of the representation in the typed set of papers filed along with this writ petition.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the claim made herein, directs the petitioner to submit a copy of the representation dated 19.03.2018 along with a copy of this order, to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the first respondent is directed to consider the same, on the basis of the resolution passed by the Society in the General Body Meeting held on 27.07.2017 and also in line with the recommendations of the Commissioner, Technical Education, Chennai dated 28.09.2017 and 21.12.2017, and pass appropriate orders, on merits and in accordance with law, after

affording an opportunity of personal hearing to the petitioner,
within a period of six weeks thereafter.

5. Accordingly, the writ petition stands disposed of. No
costs.

Sd/-
Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

sk/kak/rk

To

1. The Principal Secretary to Government,
Higher Education (B2) Department,
Government of Tamilnadu,
Secretariat, Chennai-600 009.

2. The Commissioner of Technical Education,
Chennai-25.

+1cc to Mr. S. Doraisamy, Advocate SR.No.21457
+1cc to Special Government Pleader SR.No.22316

W.P.No.6478 of 2018

SVN (CO)
GN (18/04/2018)

सत्यमेव जयते
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