

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W. P. NO.12882 of 2018

C.B.M.College,
Kovaipudu,
Coimbatore 641 042
Rep. By its Secretary
C.M.Ramraj

...Petitioner

Vs.

1. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai 600 006.

2. The Regional Joint Director of Collegiate Education,
Race Course Road, Coimbatore Region,
Coimbatore.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to pass orders granting renewal of Secretaryship in favour of petitioner college by revoking the order of direct payment in view of closure of Contempt Petition No.1282 of 2017 dated 12.12.2017 by considering the representation submitted by the petitioner college dated 12.05.2018 in pursuant to the communication of the first respondent in Na.Ka.No.8139/F1/2018 dated 11.05.2018 with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.K.Karthikeyan
Government Advocate

O R D E R

Mr. K.Karthikeyan, learned Government Advocate takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal.

2. The prayer in the writ petition is for issuance of a Writ of Mandamus directing the first respondent to pass orders granting renewal of Secretaryship in favour of petitioner college by revoking the order of direct payment, in view of closure of Contempt Petition No.1282 of 2017 dated 12.12.2017, by considering the representation submitted by the petitioner college, dated 12.05.2018 in pursuant to the communication of the first respondent in Na.Ka.No.8139/F1/2018, dated 11.05.2018, with all consequential and other attendant benefits.

3. The learned counsel for the petitioner submitted that the petitioner college has been established in the year 1974 with a laudable object to cater the education need of the public in general and to the persons whose mother tongue is Telugu in particular. The college began to impart education at the degree level and was affiliated to University of Madras. After the College has become a Post Graduate Institution in the year 1981, it was affiliated to Bharathiyar University. The order of Government conferring minority status in favour of the petitioner college has been challenged by the teachers working in the petitioner college in the name of Association by way of writ appeal filed by two Associations in W.A.No.1111 and 1239 of 2012 and the Hon'ble Court passed common orders dated 10.08.2016 by allowing the writ appeals and by quashing the orders passed in the writ petitions. As against the orders passed in the writ appeals, the petitioner-college filed appeal before the Hon'ble Supreme Court of India in SLP (C) Nos.36020 and 36021 of 2016 and the same is pending. Meanwhile, the Teachers Association filed a Contempt Petition before this Court in Cont.Petition No.1282 of 2017 alleging violation of the orders passed in W.A.No.1239 of 2012, dated 10.08.2016, that the petitioner college has not constituted college committee as required under Section 11 of Tamil Nadu Private Colleges (Regulation) Act, 1976 and therefore, renewal of Secretaryship issued by the first respondent without properly constituting the College Committee is in the violation of the orders passed in the Writ Appeal. The petitioner college has submitted application for renewal of Secretaryship for further period from 31.08.2017 to 31.05.2019. However, the first respondent issued orders on 31.10.2017 stating that due to pendency of Contempt proceedings in Cont.Petn.No.1282 of 2017, they were not able to process the same. Meanwhile, the contempt petition was closed by order 12.12.2017 stating that the petitioner college has complied with the directions for constitution of College Committee and made it clear that the petitioner's college has re-constituted the college committee as per Section 11 of the Act. The renewal of Secretaryship was not considered by the respondent and hence, the petitioner has submitted the application and the first respondent has issued a communication in Na.Ka.No.8139/F1/2018

dated 11.05.2018 addressed to the second respondent calling for the same particulars from the petitioner college relating to list of members in college committee and Form-3 enclosed along with letter dated 15.03.2018. The petitioner's Educational Trust by letter dated 12.05.2018 had enclosed all the necessary particulars and sent to the first respondent by way of speed post.

4. The learned Government Advocate submitted that the respondents have received the letter dated 12.05.2018 with all the enclosures recently and they are yet to pass orders.

5. In view of the above submission made by the learned Government Advocate, this Court directs the respondents to pass orders based on the letter dated 12.05.2018 submitted by the Educational Trust within a period of two weeks from the date of receipt of a copy of this order. With the above observation this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

dpq
To

1. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Regional Joint Director of Collegiate Education,
Race Course Road, Coimbatore Region,
Coimbatore.

+1cc to Mr.G.Sankaran, Advocate Sr.34127
+1cc to the Government Pleader Sr.34150

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srg 29/05/2018