



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.11.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22588 of 2018

and

W.M.P(MD)No.20468 of 2018

Lekshmipuram College of Arts and Science,
Neyyoor - 629 802,
Kanyakumari District,
represented by its Secretary M.Kumar.

..Petitioner

Vs

The Director of Collegiate Education,
College Road,
Chennai - 600 006.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to grant approval to M.Kumar's Secretaryship of the Petitioner-College as per the Petitioner-College's request letter dated 10.10.2018 to the respondent for approval of his Secretaryship of the Petitioner-college within the time fixed by this Court.

For Petitioner :Mr.K.N.Thampi

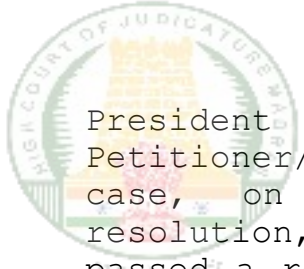
For Respondent :Mr.B.Bagavathy
Government Advocate

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondent to grant approval to M.Kumar's Secretaryship of the Petitioner-College as per the Petitioner-College's request letter dated 10.10.2018 to the respondent for approval of his Secretaryship of the Petitioner-college within the time fixed by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

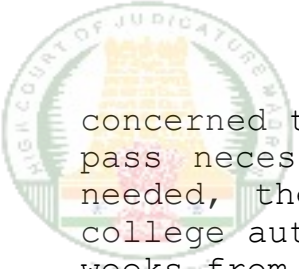
3.The case of the Petitioner is that originally one Nagaraja perumal was selected as Secretary of the Petitioner college namely, Lekshmipuram College of Arts and Science, Neyoor, Kanyakumari District..The said Nagarajaperumal's period of the



President of the Society and the Secretaryship of the Petitioner/College is from the year 2016-2019. That being the case, on 5.5.2018, the said person Nagarajaperumal died and by resolution, dated 18.5.2018, the Board of Directors of the Society passed a resolution to appoint the Petitioner as the Secretary of the Society and as the Secretaryship of the Petitioner-college. By proceedings, dated 4.7.2018 in Moo.Mu.No.22601/F2/2018, the respondent has approved the Secretaryship of the Petitioner College from 19.5.2018 to 20.09.2018 on condition that new Form-VII has to be submitted. Accordingly, the salary bills of the of the staff of the Petitioner college for the month of July and August were submitted and it was disbursed. For the month of September and October 2018, salaries are yet to be disbursed. The Petitioner would further submit that along with Form-VI, the certified copies of two Forms-VII, one incorporating the death of the former President of the Society and the other incorporating the election of one C.Perumal as the President of the Society in his place and the election of one M.Peter Mathuram as the member of the Executive Committee in the place of the deceased S.Nagaraja Perumal is filed before the District Registrar of Societies, Kanyakumari at Nagercoil and also requesting him to continue the approval of the Petitioner's Secretaryship of the Petitioner-college. In spite of receiving of representation with necessary particulars, the respondents have not passed any orders, due to which, the grants to the Petitioner-college have not been paid and salary not disbursed to the staff for the month of September and October of the above said college and it has been depending on the aid granted to the said college. Unless and until, the Secretaryship is approved, they will not be in a position to draw the salary for the said staff members. Hence with the above prayer, the Petitioner has approached this Court.

4. From the order, dated 4.7.2018, there is a proceedings of the Director of Collegiate Education in Mu.Mu.No.22601/F2/2018 and it was based on W.P(MD)No.10583 of 2017 pending and after that, the said Nagarajaperumal died, that petition becomes infructuous and also the permission granted to one Mr.C.Subramaniam as Secretary has also ended in 31.12.2017 and hence the permission and approval granted to Mr.M.Kumar from 19.5.2018 has been accepted and accordingly Form-VII and other particulars has to be submitted by the Petitioner College and subject to the said submission, permission was granted. As per the said order, for the month of August, salary was disbursed and the Petitioner college has submitted relevant papers through their representation, dated 10.10.2018 to the Director of Collegiate Education, Chennai and the concerned authorities are requested to consider their representation and to pass necessary orders thereon.

5. On a perusal of the documents, this Court is of the view that as per the orders of the Director of Collegiate Education, Chennai, the petitioner/College has submitted necessary documents and other materials as per the requirements and it is for the respondents



concerned to consider the same on merits in accordance with law and pass necessary orders on the same. If there is any clarification needed, the same can be clarified by giving opportunity to the college authorities and pass necessary orders within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(A.E)

/True Copy/

Sub Assistant Registrar(CS-III)

vsn

To

The Director of Collegiate Education,
College Road,
Chennai - 600 006.

+1cc to Mr.K.N.Thampi, Advocate in SR No.95530
+1cc to The Spl Government Pleader, SR No.95627

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NM/SV/SAR III/19.11.18/3P/4C.