

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.170 of 2019

V.S.B. Educational Trust
rep. by its Managing Trustee
Mrs.Indrani,
No.204, Dharapuram Road,
Kangayam,
Tirupur District-638 701.

... Petitioner

Vs

1. The Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Directorate of Collegiate Education
rep. by its Director,
Department of Higher Education,
Government of Tamil Nadu,
9th Floor, EVK Sampath Buildings,
College Road, Chennai-6.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on the application dated 25.09.2018 of the petitioner Trust, by duly recommending the petitioner Trust for starting an Arts and Science College to the 1st respondent and consequently, directing the 1st respondent to grant permission to the petitioner Trust for establishing a New Arts and Science College in the name and style of 'V.S.B. College of Arts and Science and Applied Research' by utilising the land and building used by the petitioner Trust for conducting MBA course and now kept idle within a time frame.

For Petitioner : Mr.N.Balaji
for M/s.MCGAN Law Firm

For Respondents: Mr.V.Kadhirvelu, Spl.G.P.

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent, namely, the Director, Directorate of Collegiate Education, Chennai, to consider and pass orders on the application dated 25.09.2018 of the petitioner Trust, by duly recommending the petitioner Trust for starting an Arts and Science College to the 1st respondent and for consequential direction, directing the 1st respondent to grant permission to the petitioner Trust for establishing a New Arts and Science College in the name and style of 'V.S.B. College of Arts and Science and Applied Research' by utilising the land and building used by the petitioner Trust for conducting MBA course, which were now kept idle, within a time frame fixed by this Court.

2. Learned Counsel for the petitioner submitted that the petitioner Trust was formed on 07.08.2000 with a primary object to establish educational institutions imparting education in Arts, Crafts, Sciences, Medicine, Engineering, Vocation and Technical Subjects apart from its other objectives. The petitioner Trust established V.S.B. Engineering College, Karur in the land owned by them in the year 2002. Thereafter, the petitioner Trust also started to impart Masters of Business Administration as one of its courses from 2005. After sometime, they decided to close down the MBA Course and the same was approved by Anna University by issuing 'No Objection Certificate' on 08.02.2017 and the 1st respondent herein also issued 'No Objection Certificate' for closure of MBA Course on 15.05.2017. Only thereafter, the petitioner Trust made an application to the 2nd respondent for starting an Arts and Science College, utilizing the land and building used for the MBA Course that was closed down. But, till date no response is forthcoming from the 2nd respondent. Therefore, they have been advised to approach this Court by way of filing the present Writ Petition.

3. Learned Special Government Pleader appearing for the respondents submitted that by Communication dated 10.01.2019 addressed to him, the Director of College Education, Chennai, has sought the petitioner to furnish some of the documents so that the petitioner's application for opening of a Private College can be scrutinized and forwarded to the Government to permit the Trust to start a college.

4. Recording the same, the Writ Petition is disposed of by directing the petitioner Trust to reply to the Communication of the 2nd respondent, dated 10.01.2019 by forwarding the documents

sought for by them, within a period of one week from the date of receipt of a copy of this Order. On receipt of the same, the 2nd respondent shall consider the same and pass orders on merits and in accordance with law within a period of four weeks thereafter. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Director, Directorate of Collegiate Education,
Department of Higher Education,
Government of Tamil Nadu, 9th Floor,
EVK Sampath Buildings, College Road, Chennai-6.

+1 cc to The Government Pleader, Sr.No.4008

+1 cc to M/s.Mcgan Law Firm, Advocate Sr.No.4145

W.P.No.170 of 2019

CSL/11.02.2019