

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.2942 of 2019

and

WMP.No.3210 of 2019

SIVET College,
Represented by its Secretary G.Selvanathan,
Velachery Main Road,
Gowrivakkam,
Chennai - 600 072.

... Petitioner

/versus/

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

2.The Regional Joint Director of Collegiate Education,
Saidapet, Chennai - 600 015.

3.The District Registrar (Madras Central/Chennai Central),
Bharathi Salai, Royapettah, Chennai - 14.
(R3-impleaded vide order dated 16.07.2019 made in
W.M.P.No.20230 of 2019 in W.P.No.2942/19)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to extend grant approval to the office of the Secretary of SIVET College for the remaining period i.e., till 25.02.2021 without insisting on registering of Form VII by the Registrar of Society following nomination of the educational agency.

For Petitioner :Mr.K.Shakespeare

For Respondents :Mr.S.Suresh Kumar
Government Advocate
for R1 to R3
Mr.T.M.Pappiah
Special Government Pleader
for R4

O R D E R

By consent, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.K.Shakespeare, learned counsel appearing for the petitioner and Mr.S.Suresh Kumar, learned Government Advocate, who takes notice on behalf of respondents 1 to 3 and Mr.T.M.Pappiah, learned Special Government Pleader appearing for R4.

3. The prayer in the writ petition is to issue a Writ of Mandamus to direct the first respondent to grant approval to the office of the Secretary of SIVET College for the remaining period i.e., till 25.02.2021 without insisting on registering of Form VII by the Registrar of Society following nomination of the educational agency.

4. The case of the petitioner college is that the educational agency of the college has appointed one G.Selvanathan, as the Secretary of the college and the Executive Committee was constituted after election held on 19.05.2008. The term for the said committee elected by G.Selvanathan, Secretary, is three years, which expires on 25.02.2021. The Director of College Education has now sought for Form VII from the Registrar of Society, indicating the office bearers of the Trust. However, the grievance of the petitioner is that in spite of application to the District Registrar to furnish certified copy of Form VII, the same was denied and as a consequence, the first respondent refused to recognize the college and the educational agency is running the college.

5. Earlier, when the matter came up for consideration, this Court found that the petitioner has not impleaded the District Registrar from whom certified copy of the Form VII is expected. Hence, the District Registrar was impleaded as 4th respondent.

6. The learned Additional Government Pleader appearing for the 3rd respondent, today submits that Form VII submitted by the Trust has not been taken into consideration, since the application was made with delay and there was no documents filed by the Trust regarding the details of the elected office bearers of the society.

7. The learned counsel appearing for the petitioner would submit that from the information obtained under RTI Act, the third respondent has informed the Trust that certified copy of Form VII submitted by the Trust was not issued, since its registration itself is pending due to delay in submission and relied upon the circular of Inspector General of registration dated 27.07.2011 as to why they are not in a

position to give the certified copy of Form VII. The entire issue now centres upon whether the Trust has intimated to the 3rd respondent about the present office bearers of the Trust and the educational agency of the college, which is managed by the Trust from the information furnished under the RTI Act by the 3rd respondent. The 3rd respondent has not furnished certified copy of Form VII, in respect of the office bearers of the Trust, who were elected pursuant to resolution dated 26.02.2018. As a consequence, now the petitioner college suffers threat of recognition at the hands of first and second respondents.

8. This Court cannot find fault with the first respondent requesting the petitioner Trust to furnish certified copy of Form VII, which is necessary for the first respondent to ascertain the composition of the educational agency and the person who is appointed as the Secretary of the educational agency, so as to interact with the college for all Administrative purpose. Therefore, it is suffice to direct the 3rd respondent to issue certified copy of Form VII submitted by the petitioner Trust condoning the delay, if any, in submitting Form VII, within a period of six weeks from the date of receipt of this order. On receipt of the certified copy of Form VII, the petitioner herein, shall submit the same to the first respondent for further course of action.

9. The petitioner's counsel submits that Form VII was submitted to the 3rd respondent on 01.03.2018. If it is so, the 3rd respondent shall peruse the documents filed along with Form VII and if necessary, call the petitioner for any clarification and issue certified copy of the same within the time stipulated by this Court.

10. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Regional Joint Director of Collegiate Education,
Saidapet, Chennai - 600 015.

3.The District Registrar (Madras Central/Chennai Central),
Bharathi Salai, Royapettah, Chennai - 14.

+1cc to the Government Pleader Sr.82311, 82298

+1cc to Mr.K.Shakespeare, Advocate Sr.82165

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pvs[co]
srg 25/11/2019