

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.11182, 11163 to 11166 of 2009

The Principal
Dhanabagiyam Krishnasamy Mudaliar College
for Women (Autonomous)
Sainathapuram, Vellore 632 001 Petitioner in 11182 of 2009

The Principal
Islamiah college
New Town, Vaniyambadi
Vellore 635 752 Petitioner in 11163 of 2009

The Principal
Mazharul Uloom College
Ambur
Vellore 635 802 Petitioner in 11164 of 2009

The Principal
C.Abdul Hakeem College
Hakeem Nagar
Melvisharam 632 509
Vellore District Petitioner in 11165 of 2009

The Principal
Voorhees College
Vellore 632 001 .. Petitioner in 11166 of 2009

Vs.

1.The Regional Joint Director of Collegiate
Education
Office of the Regional Joint Director of
Collegiate Education
Gandhi Nagar, Vellore 632 006

2.I.Elangovan
No.17, Vivekanandan Street
Thirunagar, Vellore 632 006

3.The Assistant Registrar
Tamilnadu Information Commission
Post Box No.6405
Kamadhenu Super Market 1st Floor
No.273, New No.378, Anna Salai
Teynampet, Chennai 600 018

... Respondents in all W.Ps

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records culminating in the proceedings Rt.C.No.3986/A2/06 dated 26.05.2009 of the 1st Respondent and attendant proceedings of 1st Respondent in Rt.C.No.3986/A2/06 dated 05.06.2009 based on the order of the 3rd Respondent in Case No.17183, 17185, 17186, 17187, 17188 /Enquiry/2008 dated 24.04.2009 & 29.04.2009 and quash the same and consequently forbear the respondents from requiring the petitioner to furnish the information in respect of self financing courses run by the Management of petitioner college to the 2nd respondent.

For Petitioner : Mr.Shakespeare
(in all WPs)

For Respondents : Mr.C.Munusamy, Spl G.P. For R1
(in all WPs) Mr.V.Ajoy Bhose for R2
Mr.Niranjan Rajagopalan
for M/s.G.R.Associates for R3

COMMON ORDER

The petitioners have filed these petitions seeking issuance of Writ of Certiorarified Mandamus to call for the records culminating in the proceedings Rt.C.No.3986/A2/06 dated 26.05.2009 of the 1st Respondent and attendant proceedings of 1st Respondent in Rt.C.No.3986/A2/06 dated 05.06.2009 based on the order of the 3rd Respondent in Case No.17183, 17185, 17186, 17187, 17188 /Enquiry/2008 dated 24.04.2009 & 29.04.2009 and quash the same and consequently forbear the respondents from requiring the petitioner to furnish the information in respect of self financing courses run by the Management of petitioner college to the 2nd respondent.

2.The petitioners herein are the Educational Institutions in Vellore District. The 2nd respondent by his application dated 19.03.2008 sought for informations from the petitioners' institution with regard to the payment of Tuition fees, special fees collected from the students, course wise and year wise in respect of UG and PG courses both in the aided and unaided streams since June 2003 and details of payment made to the staff working in the unaided stream since June 2003 in the employment

of the colleges and details of the utilization of the reminder of the fees amount collected towards unaided courses since June 2003, year wise, under the Right to Information Act, 2005.

3. According to the petitioners, they have been running aided and unaided colleges. In respect of aided institutions, the information sought for by the 2nd respondent has been furnished. In respect of unaided colleges, they could not provide information to the 2nd respondent, as the records of those colleges could not be traced. The learned counsel appearing for the petitioners would submit that the petitioners have submitted their letter dated 22.04.2008, giving a detailed reply along with the informations sought by the 2nd respondent.

4. It is further contended by the learned counsel appearing for the petitioners that the 3rd respondent without providing an opportunity of hearing, passed the impugned order dated 29.04.2009, presuming that the petitioners' institutions have been maintaining the records and they are deliberately refusing to furnish the information. According to the petitioners, the order of the 3rd respondent is against the principle of natural justice and based on the order passed by the 3rd respondent, the 1st respondent issued a impugned notice dated 05.06.2009. Hence, both the orders are liable to be set aside.

5. The learned counsel appearing for the respondents have made submissions in support of the impugned order and prayed to dismiss the writ petition.

6. On a perusal of the order of the 3rd respondent, it is clear that no notice has been issued to the petitioners before passing the impugned order dated 29.04.2009. It is also not disputed that the 1st respondent issued the impugned notice in pursuance to the order passed by the 3rd respondent. Hence, the orders of the respondents 1 & 3 are liable to be set aside on the sole ground of violation of principle of natural justice.

7. Accordingly, the writ petitions are allowed. The matter is remanded back to the 3rd respondent. The 3rd respondent shall pass orders afresh and in accordance with law after providing ample opportunity to the petitioners. No costs. Consequently, connected miscellaneous petitions if any are closed.

kas

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

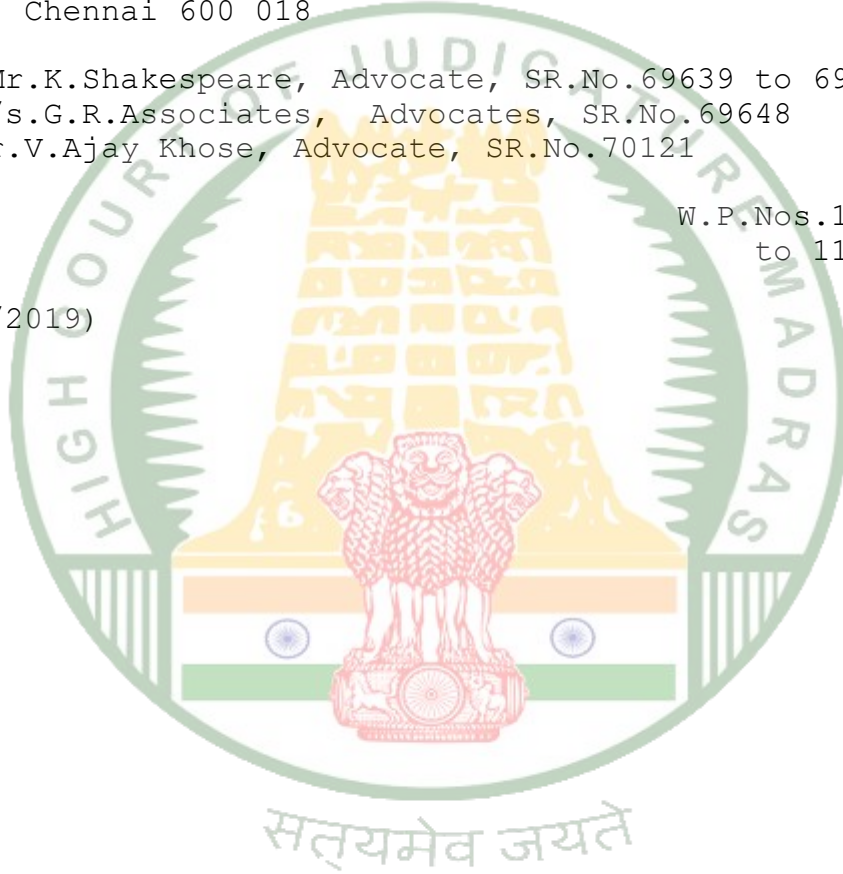
1.The Regional Joint Director of Collegiate
Education,Office of the Regional Joint Director of
Collegiate Education
Gandhi Nagar, Vellore 632 006.

2.The Assistant Registrar
Tamilnadu Information Commission
Post Box No.6405Kamadhenu Super Market 1st Floor
No.273, New No.378, Anna Salai
Teynampet, Chennai 600 018

+4CCs to Mr.K.Shakespeare, Advocate, SR.No.69639 to 69642
+1cc to M/s.G.R.Associates, Advocates, SR.No.69648
+1cc to Mr.V.Ajay Khose, Advocate, SR.No.70121

W.P.Nos.11182, 11163
to 11166 of 2009

Kak(28/09/2019)



WEB COPY