

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.14984 of 2019

M.Kachapalayam

... Petitioner

Vs.

1. Interim Administrator,
Pachayyappa's Trust,
Pachayyappa's College Campus,
113, Harrington Road, Chennai 600 030.

2. The Secretary,
Pachayyappa's Trust,
Pachayyappa's College Campus,
113, Harrington Road, Chennai 600030.

3. A.Subramanian,
4. P.S.Seshadri
5. A.Natarajan
6. G.Ramakrishnan
7. K.V.Sundararajan
8. S.Sankaralingam

9. The Director of Collegiate Education,
Chennai - 6

... Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the R.C.No.A1/4230/2018 dated 10.10.2018 and the further proceedings issued by the 1st respondent and quash the same.

For Petitioner : Mr.G.Murugendran

For Respondents : Mr.S.Senthil for R1&R2
MR.V.Kadhirvelu,
Special Government pleader
for R9

O R D E R

This writ petition has been filed by the petitioner seeking for a Writ of Certiorari to call for the records relating to the R.C.No.A1/4230/2018 dated 10.10.2018 and the further proceedings issued by the 1st respondent and quash the same.

2. The case of the petitioner is that the petitioner is working in Pachayappa's College, Chennai and he is also the Vice President of Tamil Nadu Government Aided colleges staffs Association (TANTSAC). The petitioner is the member of Pachayappa's Trust which was expired on on 26.06.2018 and pending election process of the next term, one of the applicant had filed application before this Court in O.A.No.283 of 2018 and sought for injunction for the election process and another Application No.2624 of 2018 had been filed to appoint a retired judge of this Court as Administrator to conduct the election for the Trust. In view of the Application, this Court appointed the 1st respondent as Administrator to conduct the election. After the said order, the election process had not been completed and thereafter, another Application No.5829 of 2018 had filed and the same was allowed with a direction to the 1st respondent to complete the election process.

3. However, the said order was not complied with, another Application was filed in A.No..7376 of 2018 to fix the date for election process and accordingly, this Court directed to conduct the election on or before 25.04.2019. The existing Trustees held constituted the College committee under Proceedings in R.C.No.A1/682 -5-2018 dated 09.06.2018 and the committee member was appointed as per the Chapter III and Sec.11 of the Tamil Nadu Private College (Regualtion) ACT, 1976. The 1st respondent vide proceedings in R.C.No.A1/4230/2018 dated 10.10.2018 in pursuance to the reconstituted college committee, but the same was not supported by any reasons. The existing committee was appointed on 09.06.2018 and terms will expire in the year 2021, but it was reconstituted before expiry of the term. In this regard, the petitioner has also submitted a representation dated 26.11.2018. Challenging the said R.C.No.A1/4230/2018 dated 10.10.2018 be illegal, the petitioner filed this writ petition.

4. When the matter is taken up for hearing, the learned counsel for the petitioner confined his argument and submitted that it would be suffice if a direction is given to the respondents to consider the representation of the petitioner dated 26.11.2018.

5. Heard the submission of both sides and perused the material placed before it.

6. Though the petitioner has sought for a larger relief, this Court without going into the merits of the case, directs the respondents to consider the representations of the petitioner dated 26.11.2018 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. Interim Administrator,
Pachayyappa's Trust,
Pachayyappa's College Campus,
113, Harrington Road, Chennai 600 030.
2. The Secretary,
Pachayyappa's Trust,
Pachayyappa's College Campus,
113, Harrington Road, Chennai 600030.
3. The Director of Collegiate Education,
Chennai - 6.

+1cc to Mr.G.Murugendran, Advocate, S.R.No.99373
+1cc to Mr.S.Senthil, Advocate, S.R.No. 99779

W.P.No.14984 of 2019

RSK(CO)
CS/05/12/2019