



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.12.2019**

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P (MD) No.27236 of 2019

R.Ramasamy

.. Petitioner

Vs.

1.State of Tamil Nadu

rep. by its Principal Secretary to the Government,
Higher Education Department,
Secretariat,
Chennai-9.

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

3.The Principal,
Devangar Arts College,
Aruppukottai,
Virudhunagar District-626101.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to send a report to the 1st respondent for appointment of Special Officer for administering the Management of the 3rd Respondent College under Section 14-A of the Tamil Nadu Private Colleges (Regulation) Act, 1976 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents 1&2 : Mr.R.Sethuraman,
Special Government Pleader.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the 2nd respondent to send a report to the 1st respondent for appointment of Special Officer for administering the Management of the 3rd Respondent College under Section 14-A of the Tamil Nadu Private Colleges (Regulation) Act, 1976.



2.Mr.R.Sethuraman, learned Government Advocate takes notice for the respondents. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the petitioner is the erstwhile secretary of the 3rd respondent College Management. On 30.06.2016, his appointment in the post of Secretary of the 3rd respondent College, was approved by the 2nd respondent, vide proceedings, in Na.Ka.No.27420/G2/2015, dated 30.06.2016. Due to interference of rival party, his secretaryship was cancelled and the College was bought under direct payment as per G.O.Ms.No.201, from June, 2017 to November, 2017. Thereafter, on 04.10.2017, the 2nd respondent granted approval to his appointment as Secretary as the rival party has withdrawn his candidature and also given no objection. On 08.10.2018, the 2nd respondent, vide his proceedings, has clarified that the petitioner has already continued as Secretary from 31.08.2016 onwards for about one year and 8 days and therefore, he was permitted to continue from 04.10.2017 to 25.09.2019. The said proceeding was challenged in W.P(MD)No.21663 of 2018, in which, an order of interim stay was granted. Later on 26.10.2018, once again, the 2nd respondent has brought the 3rd respondent College under Direct Payment System, against which, he has filed a writ petition and obtained an order of interim stay in W.P.No.33444 of 2018 on 18.12.2018, based on which, the 2nd respondent has restored the earlier order, dated 08.10.2018, granting his secretaryship till 25.09.2019 and the same was put to challenge by a rival party in W.P(MD)No.3845 of 2019 and this Court granted an order of interim stay. The above writ petitions are still pending. The tenure of secretaryship of the petitioner has also come to an end on 25.09.2019 as per the approval granted by the 2nd respondent. Only after the disposal of the above writ petitions, the petitioner can continue as Secretary. Under these circumstances, the 3rd respondent by joining hands with one faction, is seeking sanction to operate the bank accounts of the 3rd respondent College, which is in the name of the Secretary, under the guise of disbursing the monthly salary to the Self Financing Teaching and Non-Teaching Staff. If the principal of the College is provided with such a power, he would misuse the same and the entire administration of the 3rd respondent College will be seriously affected. Therefore, he has sent a detailed representation, dated 15.12.2019 to the 2nd respondent seeking for appointment of a Special Officer to administer the management of the 3rd respondent College and the 2nd respondent has to send a report to the 1st respondent. Hence, the petitioner has come up with the present Writ petition.

4.Though the learned counsel for the petitioner has sought for larger relief, he restricted the prayer to consider the



representation of the petitioner, dated 15.12.2019.

5.Considering the limited scope of prayer sought for, this Court, without going into the merits of the petitioner's claim, directs the second respondent to consider the representation of the petitioner, dated 15.12.2019 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 15.12.2019 to the 2nd respondent.

6.With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1.The Principal Secretary to the Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.

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

+1 CC to SPL.GP (SR-106488[F] dated 27/12/2019)

**ORDER MADE IN
W . P (MD) No . 27236 of 2019
20.12.2019**

KM/ (10.01.2020) 3P 4C