

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9444 of 2020

Dhanraj Baid Jain College,
(Institution of Tamil Nadu Education & Medical Trust)
Jyothi Nagar, Thoraipakkam,
Chennai 600 097
Rep. by its Secretary (Administration)
Harish L.Metha

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai 9.
2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai 6.
3. The Registrar,
University of Madras, Chepauk,
Chennai 5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondents to accept and pass orders on the application in Form-8 submitted by the petitioner College for surrendering/discontinuance of 5 UG Degree Aided Courses and 3 PG Degree Aided courses in compliance to Rule 16 of Tamil Nadu Private Colleges (Regulations) Rules 1976 from the academic year 2020-2021, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.S.Karthikei Balan
Government Advocate for R1 & R2
Mr.Stalin Abimanyu for R3

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to accept the application

submitted by the petitioner College, which wants to surrender/discontinue 5 Under Graduate Courses and three Post Graduate courses.

2.The petitioner College is functioning from the year 1972 and it is receiving granting aid from the State Government. That apart the petitioner College is also conducting self financing courses in various disciplines. The petitioner College is affiliated to the third respondent University. There are five UG degree courses and three PG degree courses which comes under the aided stream. According to the petitioner college, there is no sufficient staff to run these courses and therefore earlier, a representation was made to the respondents requesting for conversion of the aided courses into self financing courses from the academic year 2019-2020. This was done due to the fact that the aided teaching and non-teaching staff remained vacant without being filled up for many years.

3.The petitioner approached this Court and filed W.P.No.13641 of 2019 for a direction to the respondents to consider the representation made by the petitioner College seeking for conversion of courses. This Court also passed an order on 11.06.2019 giving necessary directions.

4.The petitioner College subsequently took a decision to surrender all the aided courses to the Department, which covered five UG degree courses and three PG degree courses. This option was exercised under Rule 16 of the Tamil Nadu Private Colleges (Regulations) Rules, 1976. The petitioner apprehended that this application will not be received by the respondents in view of the earlier orders passed by this Court. Therefore, the present writ petition has been filed before this Court seeking for appropriate directions.

5.Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.S.Karthikei Balan, learned Government Advocate for the respondents 1 and 2 and Mr.Stalin Abimanyu, learned Standing counsel for the third respondent University.

6.It is seen from records that the petitioner College had earlier made a representation to convert aided courses into self financing courses from the academic year 2019-2020. Thereafter the petitioner had approached this Court and filed W.P.No.13641 of 2019 and this Court had also passed an order directing the respondents to consider the representation and pass appropriate orders. Subsequently, the petitioner College has decided to surrender all the aided courses to the department which covered

five UG degree courses and three PG degree courses. Such surrender of courses is contemplated under the relevant Rules and an application has been submitted in the prescribed format for that purpose. In view of the later decision taken by the petitioner College, the earlier representation made to the respondents for conversion of the aided courses and the orders passed by this Court in W.P.No.13641 of 2019 will have no relevance. The respondents will have to consider the fresh application submitted by the petitioner College in the prescribed format. Since the petitioner is giving up the earlier representation, the order passed by this Court in W.P.No.13641 of 2019 will also automatically cease to have any operation.

7.The petitioner is directed to make necessary application in the prescribed format before the second respondent and the second respondent is directed to consider the same and pass necessary orders within a period of three months from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation in this regard to the second respondent along with a copy of this order. Insofar as the third respondent is concerned, they will be able to take follow up action depending upon the orders passed by the second respondent.

8.This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

vkr/mp

To

1.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai 9.

2.The Director of Collegiate Education,
DPI Campus, College Road,
Chennai 6.

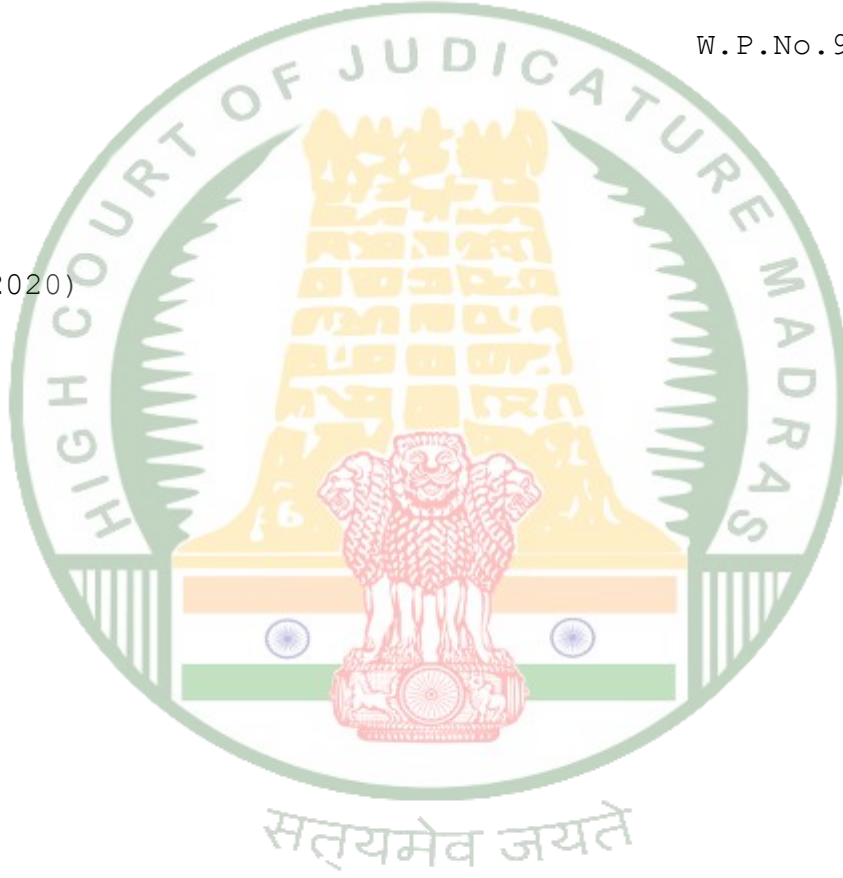
3.The Registrar,
University of Madras, Chepauk,
Chennai 5.

4.The Government Pleader,
High Court, Madras.

+lcc to Government Pleader, Advocate, Sr.No.25207

W.P.No.9444 of 2020

LN(CO)
GS(04/08/2020)



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