



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13543 of 2021

and

W.M.P(MD).No.10499 of 2021

WEB COPY

P.E.M.Humayun Kabir

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Collegiate Education,
St.George Fort, Chennai-9.
2. The Director of Collegiate Education,
EVK Sampath Maligai, College Road,
Chennai 600 006.
3. The Joint Director of Collegiate Education,
EVK Sampath Maligai, College Road,
Chennai 600 006.
4. The Secretary,
The Dr.Zakir Hussain College Society,
Ilayangudi, Sivagangai District.
5. V.M.Jabarullah Khan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the second respondent from approving the fifth respondent as Secretary of the fourth respondent-College in the light of Rule 8(6)(e) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976, on account of pendency of the criminal cases against the fifth respondent and by considering the petitioner's representation dated 18.09.2020 and 28.09.2020 within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.Venkatesh Kumar
For Respondents : Mr.R.Baskaran,
Counsel for State R1 to R3

O R D E R

The petitioner seeks to prevent the approval by the respondent 2 of respondent 5 as the Secretary of the Dr.Zakir Hussain College Society, Sivagangai District.

2. The petitioner states that he is a life member of the aforesaid Society and that the said Society runs two colleges. It is



alleged by the petitioner that the fifth respondent is not qualified to hold the post of Secretary of the fourth respondent college in view of Rule 8(6)(e) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976. The petitioner states that in spite of submitting representations on 18.09.2020 and 28.09.2020 to the second respondent, no action has been taken thereon.

3. In particular, the petitioner states that Rule 8(6)(e) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976 specifies that a person found responsible for any serious irregularities is not eligible to become a member of the committee constituted in terms of the aforesaid Rules. In support of the contention that the fifth respondent has committed several irregularities, the petitioner has enclosed a FIR dated 30.07.2013, the judgment in S.T.P.No.91 of 2015, the FIR in Cr.No.1219 of 2017 and an order dated 10.07.2020 in Crl.O.P(MD).No.3470 of 2020.

4. In these proceedings, it is neither possible nor necessary to examine the veracity of the allegations made by the petitioner. Nonetheless, in view of the statutory prescription of disqualifications, it is incumbent upon the second respondent to duly take into account the aforesaid submissions and the material documents in support thereof before taking a reasoned decision. Such reasoned order shall be passed within a period of two months from the date of receipt of a copy of this order.

5. On account of the fact that the merits of the matter have not been examined and because the second respondent has been directed to provide an opportunity to the fifth respondent before taking a decision, the writ petition is disposed of without notice to the private respondent.

6. Accordingly, W.P(MD).No.13543 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).No.10499 of 2021 is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1. The Secretary to Government,
Department of Collegiate Education,
St.George Fort, Chennai-9.



2. The Director of Collegiate Education,
EVK Sampath Maligai, College Road,
Chennai 600 006.

3. The Joint Director of Collegiate Education,
EVK Sampath Maligai, College Road,
Chennai 600 006.

+1 CC to M/s. SPL GP (SR-25502[F] dated 06/08/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-25449[F] dated
06/08/2021)

W.P. (MD) No.13543 of 2021
05.08.2021

PS (CO)
KB(12.08.2021) 3P 6C