



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.4361 OF 2022

AND

W.M.P.NO.4482 OF 2022

Madras School of Social Work,  
Run by the Society for Social  
Education & Research,  
No.32, Casa Major Road,  
Egmore, Chennai - 600 008.  
Rep. by its Hon'ble Secretary.

...Petitioner

Vs.

1.The Regional Joint Director,  
(Chennai Region),  
Directorate of Collegiate Education,  
Todd Hunter Nagar,  
Nandanam, Chennai - 600 015.

2.The Director of Collegiate Education,  
O/o Directorate of Collegiate Education,  
9<sup>th</sup> Floor, EVK Sampath Building,  
College Road, Chennai - 600 006.

3.R.G.Sudharson

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records pertaining with Ref No.3135/u2/2021 and quash the order dated 04.02.2022 passed by the 1<sup>st</sup> respondent the Regional Joint Director (Chennai Region), Directorate of Collegiate Education, Nandanam, Chennai - 600 015.

|                |   |                                                 |
|----------------|---|-------------------------------------------------|
| For Petitioner | : | Mr.Manohar Gupta                                |
| For R1 & R2    | : | Mr.V.Veluchamy<br>Additional Government Pleader |
| For R3         | : | Ms.D.Geetha                                     |



## O R D E R

Mr.V.Veluchamy, learned Additional Government Pleader accepts notice on behalf of the respondents 1 & 2. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The primordial contention of the petitioner-management is that the first respondent, namely, The Regional Joint Director (Chennai Region), Directorate of Collegiate Education, has passed the impugned order by holding that the provision under Section 2(8) of the Tamil Nadu Private Colleges Act 1976 is applicable to the unaided self-financing institution/courses. The said provision will apply only to the aided institution/courses. Therefore, without taking into the objection of the petitioner and without giving affordable opportunity, the aforesaid impugned order has been passed.

3. The learned Additional Government Pleader appearing for the respondents 1 & 2 would submit that based on the available materials, the aforesaid order has been passed.

4. The learned counsel appearing for the 3rd respondent/employee would submit before this Court that this issue was not taken up before the 1st respondent, whether the petitioner management is covered under the unaided self-financing institution/courses or aided institution, and she would further submit that the application of the said provision would also be canvassed before the authorities concerned, if an opportunity has to be given to the 3rd respondent. Therefore, this Court is of the considered view that the point raised in the writ petition regarding the applicability of the Tamil Nadu Private College (Regulation) Act, 1976, would requires to be considered by the authority concerned based on the materials. Therefore, this Court opined that the impugned order passed by the 1st respondent is liable to be quashed and to reconsider the dispute afresh and to pass reasoned order by the 1st respondent.

5. In view of the above, this Court is inclined to pass the following order:

(i) The impugned order dated 04.02.2022, in Ref.No.3135/u2/2021 passed by the 1st respondent is quashed.

(ii) The first respondent is directed to serve notice to the parties concerned, namely the writ petitioner and the third respondent and after giving an opportunity to the parties, the first respondent has to consider the aforesaid issue raised by the petitioner, including the applicability of Tamil Nadu Private Colleges (Regulation) Act 1976 and to take final decision on its own merits and in accordance with law, as



expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order.

(iii) Both the parties had orally given an undertaking before this Court that they shall cooperate for the aforesaid hearing before the first respondent without any default.

6. With the above observations and directions, the writ petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

uma/ata

To

1.The Regional Joint Director,  
(Chennai Region),  
Directorate of Collegiate Education,  
Todd Hunter Nagar,  
Nandanam, Chennai - 600 015.

2.The Director,  
Directorate of Collegiate  
Education,  
9<sup>th</sup> Floor, EVK Sampath Building,  
College Road, Chennai - 600 006.

+1cc to M/s.Gupta & Ravi, Advocate Sr.No.13312

+1cc to M/s.D.Geetha, Advocate Sr.No.13494

+1cc to the Government Pleader Sr.No.14117

W.P.No.4361 of 2022

and

W.M.P No.4482 of 2022

AD(CO)

RVM(18/03/2022)