



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.2437 and 2438 of 2015 and 6989 and 6990 of 2014
and
M.P.Nos.1 and 1 of 2015 and 2 and 2 of 2014

W.P.Nos.2437 and 2438 of 2015:

A.Manickathai

... Petitioner
In W.P.No.2437 of 2015

U.M.Ravichandran

... Petitioner
In W.P.No.2438 of 2015

Vs.

1. The Kongunadu Arts and Science College,
Represented by its Secretary,
G.N.Mills Post,
Coimbatore - 641 029.

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

3. The Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore -18.

... Respondents
In W.P.Nos.2437 and 2438 of 2015

Prayer in W.P.No.2437 of 2015: Writ Petition filed under Article 226 of the Constitution of India calling for the records pertaining to the proceedings of the first respondent, KASC/AM-REP2014 dt.26.03.2014 and consequential proceedings in KASC/AM-REP/2014 dated 08.12.2014, quash the same and direct the first respondent to release the withheld increments, refix the salary and pay the arrears.

Prayer in W.P.No.2438 of 2015: Writ Petition filed under Article 226 of the Constitution of India calling for the records pertaining to the proceedings of the first respondent, KASC/UMR-REP2014 dt.26.03.2014 and consequential proceedings in KASC/UMR-



REP/2014 dated 08.12.2014, quash the same and direct the first respondent to release the withheld increments, refix the salary and pay the arrears.

For Petitioners

In W.P.Nos.2437 and 2438 of 2015: Mr. R.Subramanian

For Respondents

In W.P.Nos.2437 and 2438 of 2015: Mr.K.Shakespeare
for R1

: Mr.M.Bindran,
Additional Government Pleader
for R2 and R3

W.P.No.6989 of 2014:

The Kongunadu Arts and Science College,
(Autonomous),
Represented by its Secretary,
G.M.Mills Post,
Coimbatore - 641 029.

...Petitioner

Vs.

1. State of Tamil Nadu,
Represented by Secretary to government,
Higher Education Department,
Fort St. George, Chennai - 600 009.

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

3. The Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore.

4. Tmt.A.Manickathai,
Associate Professor of Computer Science,
Kongunadu Arts & Science
College (Autonomous),
G.M.Mills Post,
Coimbatore - 641 029.

... Respondents

Prayer in W.P.No.6989 of 2014: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari or any other writ or order in the nature of writ calling for the records of the 2nd respondent culminating in the proceedings / order vide Na.Ka.No.9010/F1/2012 dated 13.01.2014 and quash the same.



WEB COPY

For Petitioner : Mr.K.Shakespeare

For R1 to R3 : Mr.M.Bindran,
Additional Government Pleader

For R4 : Mr. R.Subramanian

W.P.No.6990 of 2014:

The Kongunadu Arts and Science College,
(Autonomous),
Represented by its Secretary,
G.M.Mills Post,
Coimbatore - 641 029.

... Petitioner

Vs.

1. State of Tamil Nadu,
Represented by Secretary to government,
Higher Education Department,
Fort St. George,
Chennai - 600 009.

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

3. The Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore.

4. Tvl.U.M.Ravichandran,
Associate Professor of Computer Science,
Kongunadu Arts & Science
College (Autonomous),
G.M.Mills Post,
Coimbatore - 641 029.

... Respondents

Prayer in W.P.No.6990 of 2014: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari or any other writ or order in the nature of writ calling for the records of the 2nd respondent culminating in the proceedings / order vide Na.Ka.No.9010/F1/2012 dated 13.01.2014 and quash the same.

For Petitioner : Mr.K.Shakespeare

For R1 to R3 : Mr.M.Bindran,
Additional Government Pleader

For R4 : Mr. R.Subramanian



ORDER

All these writ petitions have been filed questioning the validity of the actions initiated by the management of the private college, as well as by the competent authority of the collegiate education.

2. Regarding the entertainability of the writ petitions in respect of the employees working in a non minority aided colleges, the Madurai Bench of Madras High Court delivered a judgment on 07.08.2019 in W.P.(MD).Nos.11785 and 11786 of 2012, and pursuant to the order, the Government also issued notification designating the Principal District Judge as Tribunal under the provisions of the collegiate education in Tamil Nadu Private Colleges (Regulation) Act. Therefore, the parties have to adjudicated the disputed issues before the designated Tribunal before approaching the High Court.

3. In view of the fact that the writ petitions are pending for long time and during the relevant point of time, the Tribunal was not functioning. Therefore, this Court is inclined to transfer all these cases to the designated Tribunal for adjudication and disposal of all these cases by following the procedures as contemplated.

4. The learned counsel appearing on behalf of the writ petitioners made a submission that the jurisdictional Tribunal is at Coimbatore. Thus, the writ petitions are transferred to the Court of Principal District Judge at Coimbatore / Tribunal constituted under the collegiate education in Tamil Nadu Private Colleges (Regulation) Act.

5. The Registry of this Court is directed to send all the case papers to the Principal District Judge, Coimbatore / Tribunal within a period of two weeks from today. On receipt of the case bundles, the Tribunal is requested to proceed with the cases and dispose of the same as expeditiously as possible.

6. With these directions, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Ab/Jeni



To

1. The Secretary to government,
State of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Collegiate Education,
College Road,
Chennai - 600 006.
3. The Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore.

Copy to:

The Principal District Judge / Tribunal,
Coimbatore.

+2ccs to Mr.R.Subramanian, Advocate, S.R.Nos.34369, 34370

+1cc to the Government Pleader, S.R.No.34581

W.P.Nos.2437 and 2438 of 2015
and 6989 and 6990 of 2014

MG(CO)
UMA(16/06/2022)