



WEB COPY



W.A.No.837 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.837 of 2023

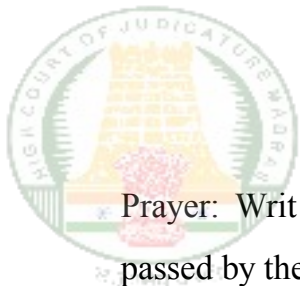
Dr.C.Balakrishnamurthy, Ph.D.,
Assistant Professor & Head,
Department of Psychology,
PSG College of Arts and Science College (Autonomous),
Civil Aerodrome (PO),
Coimbatore – 641014.

.. Appellant

Versus

- 1.The Principal Secretary,
Higher Education Department,
St. George Fort,
Chennai – 9.
- 2.The Director of Collegiate Education,
Institute of Advance Study in Education Campus,
577, Anna Salai,
Saidapet, Chennai – 15.
- 3.The Regional Joint Director of Collegiate Education,
Race Course Road,
Next to Income Tax Office Building,
Coimbatore – 641 018.
- 4.The Registrar,
Bharathiar University,
Coimbatore – 641 046.
- 5.The Secretary,
PSG College of Arts and Science College (Autonomous),
Civil Aerodrome (PO),
Coimbatore – 641 014.

.. Respondents



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Prayer: Writ Appeal has been filed under Clause 15 of Letters Patent against the order passed by the learned Single Judge in W.P.No.4888 of 2023, dated 20.02.2023.

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For Appellant : Mr.R.Kannan

For F1 : Mr.P.Muthukumar, State GP

JUDGMENT

(Delivered by The Hon'ble Acting Chief Justice)

Dr.C.Balakrishnamurthy, Ph.D., has filed this appeal questioning the correctness of the impugned order passed by the learned Single Judge in W.P.No.4888 of 2023, dated 20.02.2023.

2. Learned counsel for the appellant submitted that the appellant joined as Assistant Professor on 01.02.2007 in PSG College of Arts and Science College (Autonomous)/fifth respondent herein. Since the fifth respondent college was granted affiliation by the fourth respondent university to conduct aided courses in the year 1994, the fifth respondent college being the government aided campus witnesses mushrooming growth at the cost of the Government aided programmes. The Director of Collegiate Education, Institute of Advance Study in Education Campus, Chennai, directed all Regional Directorate of Collegiate Education to circulate the notification clearly indicating that self-financing courses should not be conducted in the same timings of aided courses in aided campus. However, it is averred, fifth respondent college runs all self-financed courses pallelly in the aided campus



during the timing of aided courses which is a gross violation of the order passed by the second respondent, because, the students of both self-financing and aided courses are creating many problems and there is an every possibility of law and order problem in the aided campus due to merge of students of self-financing courses and aided courses. Therefore, the appellant has submitted a detailed representation dated 30.01.2023 to the authorities, but, the the same was not considered. Hence, the appellant was forced to file W.P.No.4888 of 2023 seeking for issuance of a writ of mandamus directing the second respondent to restrain the fifth respondent college from parelly functioning self-financing courses in aided campus.

3. Learned counsel for the appellant further submitted that learned Single Judge has wrongly dismissed the writ petition overlooking the circular dated 20.06.2022 directing not to conduct classes for self-financing course simultaneously with that of aided collages. Therefore, the order passed by the learned Single Judge is liable to go.

4. We are unable to find any merit in the above said submissions. The grievance of the appellant is that the fifth respondent college is running both self-financing courses and aided courses during the same timing, however, nowhere in the affidavit filed in support of the writ petition or in his representation dated 30.01.2023 sent to the second respondent, the writ petitioner/appellant has mentioned during which time the self-financing courses are conducted and whether conducting of self-financing courses on such timing are clashing with the classes conducted for the aided courses. No lapse or irregularity was substantiated.



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Therefore, in our considered opinion, the order passed by the learned Single Judge dismissing the writ petition cannot be found fault with. Accordingly, for the reasons stated above, the writ appeal stands dismissed. No Costs.

(T.R., ACJ.) (D.B.C., J.)
11.04.2023

rkm

Index:yes/no

Speaking/non-speaking

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