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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.13217 of 2017

and

W.M.P.Nos.14215 & 14216 of 2017

The Secretary  
Quaide Milleth College For Men,  
Medavakkam, Chennai – 600 100.

.. Petitioner

Vs.

1.The Director of Collegiate Education,  
EVK Sampath Maaligai, DPI Campus,  
College Road,  
Chennai.

2.The Joint Director of Collegiate Education,  
Chennai Region,  
Saidapet,  
Chennai – 15.

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2<sup>nd</sup> respondent dated 19.05.2017 in D.Dis.No.02770/F1/2017 and to quash the same and consequently, direct the respondents to refrain from any manner withholding salary bill to the petitioner institution by insisting upon Form VI under the Tamil Nadu Private Colleges (Regulation) Rules 1976.



For Petitioner .. Mr.N.A.Nissar Ahmed, Senior Counsel  
For Respondents .. Mr.U.Bharanidharan, AGP

### ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus seeking records of the 2<sup>nd</sup> respondent, the Joint Director of Collegiate Education, Chennai Region, Saidapet, Chennai in D.Dis.No.02770/F1/2017 dated 19.05.2017 and to quash the same and direct the respondents to refrain from withholding the salary bill to the petitioner institution by insisting upon Form VI under the Tamil Nadu Private Colleges (Regulations) Rules 1976.

2.The petitioner is the Secretary of the Quaide Milleth College for Men at Medavakkam, Chennai. It is contended that the said college is a minority institution established in the year 1975. The learned Senior Counsel for the petitioner pointing out this particular fact, stated that insistence of Form-VI by the respondents with respect to the salary would be applicable only to private institutions and not to minority institutions. This particular distinction, according to the learned Senior Counsel, had not



been kept in mind by the respondents when they passed the impugned order.

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3. In the affidavit filed in support of the writ petition, it had been stated that the 2<sup>nd</sup> respondent by proceedings dated 01.02.2017 had informed that salary bills of January – 2017 would be considered and extension of the secretary who had been appointed would also be considered, only if Form-VI as given in the annexure to the Tamil Nadu Private Colleges (Regulation) Rules, 1976, is submitted the petitioner institution. It had been stated in the affidavit that insistence of Form-VI is misconceived as the petitioner is a minority institution and therefore, the said stipulation would not be applicable to the petitioner herein.

4. Let me not enter into further details of the averments made in the writ petition and also on the stand of the respondents, particularly because, it is informed across the bar that the order impugned had been withdrawn by the respondents and in the year 2017 approval had been granted for payment of salary. That has settled the issue raised in the present writ petition.



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5.The learned Senior Counsel, however, raised a further grievance that once again in the year 2023, a similar communication had been issued insisting upon the petitioner institution to submit Form-VI, as stated in the Tamil Nadu Private Colleges (Regulation) Rules, 1976. It is again insisted by the learned Senior Counsel that the said communication is misguided, since the petitioner is minority institution.

6.This an issue, which can be separately addressed by the petitioner in manner known to law. This Court is not seized of that particular notice issued in the year 2023 and therefore, no orders can be passed relating to the same. So far as the present writ petition is concerned, since the respondents had withdrawn the impugned order, no further directions are required.

7.Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitioners are closed.

12.09.2023

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Index:Yes/No

Internet:Yes/No

Neutral Citation:Yes/No

Speaking order:Yes/No



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**C.V.KARTHIKEYAN,J.**

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