



W.P.(MD) No.25833 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25833 of 2023

and

W.M.P.(MD) Nos.22520, 23371 and 22143 of 2023

Urumu Dhanalakshmi College,
represented by its Principal,
Kattur,
Trichy District 620 019.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Secretary,
Department of Higher Education,
Fort St.George,
Chennai 600 009.
- 2.The Director of Collegiate Education,
DPI Campus,
College Road,
Chennai 600 006.
- 3.The Regional Joint Director of Collegiate Education,
Trichy Region,
Trichy 620 023.



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4. Bharathidasan University,
represented by its Registrar,
Palakaliperur,
Tiruchirapalli 620 024.

5. N. Saravanan

6. Dr. A. Muraliraj

*(R5 and R6 have been impleaded vide
Court order dated 05.12.2023)*

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the third respondent, Regional Joint Director, Trichy in Na.Ka.No.6232/A1/2023 dated 17.10.2023 quash the same.

For Petitioner	: Mr.K.Ragatheesh Kumar
For R1 to R3	: Mr.S.Ra.Ramachandran Additional Government Pleader
For R4	: Mr.VR.Shanmuganathan
For R5 & R6	: Mr.Ajmal Khan Senior Counsel for M/S.Ajmal Associates



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ORDER

Heard the learned counsel appearing for the writ petitioner, learned Additional Government Pleader appearing for the Department, learned Standing Counsel for the University and the learned Senior Counsel for the impleaded respondents.

2.The impleaded respondents lodged a complaint before the Director of Collegiate Education, Chennai that irregularities were committed in the admission process. This was forwarded to the Joint Director of Collegiate Education. The Joint Director of Collegiate Education proposed to hold an enquiry. To that effect, the impugned notice was issued. Challenging the same, the present writ petition was filed.

3.The learned counsel appearing for the petitioner points out that earlier, the college management was intimated about lodging of the complaint by the impleaded respondents and taking cognizance of the same, the college management itself had conducted the enquiry into the issue and that the report is being finalized.



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4.What the learned counsel for the petitioner says may be true.

But then, as rightly pointed out by the learned Senior Counsel for the impleaded respondents, enquiry by the college management, which is accused of having committed irregularity, is not the same thing as the enquiry by the competent authority under the Tamil Nadu Private Colleges Regulations Act, 1976. That apart, as rightly pointed out by the learned counsel for the respondents, what has been issued is a mere notice. It is well settled that notice by itself does not infringe the rights of the parties. It is not the case of the petitioner that the notice has been issued by an authority lacking in jurisdiction.

5.The learned Senior Counsel draws my attention to Section 35 of the Act, in terms of which the Joint Director of Collegiate Education is the competent authority. Therefore, no case for interference has been made out.

6.However, considering the overall facts and circumstances, the respondents are directed to defer their enquiry till 15.01.2024. It is open to



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the petitioner to submit their report before the competent authority in the meanwhile. It is for the competent authority to take a call in the matter. Leaving open all the contentions of both the parties, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.12.2023

NCC :No
Internet :Yes
Index :No

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To

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G.R.SWAMINATHAN, J.

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