



W.P.No.8685 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.8685 of 2021
and W.M.P.Nos.9223, 9224, 9226 & 16717 of 2021

M.Arachelvi
Secretary,
Pachaiyappa's Trust Board,
Chennai – 600 030

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Secretary to Government,
Higher Education Department,
Chennai - 600 009.
2. The Advocate General,
Government of Tamil Nadu,
Chennai - 600 104.
3. Pachaiyappa's Trust,
Represented by,
The Administrator General and Official Trustee of Tamil Nadu,
High Court of Madras,
Chennai - 600 104.
4. The Director of Collegiate Education,
College Road,
Chennai 600 006.
5. The Joint Director of Collegiate Education,
Chennai Region, Chennai 15.



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6. The Joint Director of Collegiate Education,
Vellore Region, Vellore.

7. The Association of University Teachers (Regd),
Tamil Nadu, Joint Action Committee of
Pachaiyappa's Trust Board Colleges (JAC-PTBC)
Represented by the Chairman Dr.L.C.Thirumalai,
Pachaiyappa's College, Chennai 600 030.

8. Er.R.Jayapragasam,
Estate Officer,
Secretary in Charge,
Pachaiyappa's Trust Board,
113, Harrington Road, Chennai – 30.

9. C.Duraikannu ... Respondents
(R9 suo motu impleaded vide WA.No.1253/2021
dated 27.04.2021 made in
W.P.No.8685/2021 by MSNJ and PRMJ)

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorarified Mandamus, to call for the
records of the impugned order in RC.No.A3/1493/2018-III dated
05.03.2021 issued by the third respondent and quash the same and
consequently, direct the third respondent to permit the petitioner to
continue as Secretary of the Pachaiyappa's Trust Board.

For Petitioner : Mr.Premchandar for
Mr.G.V.Mohan Kumar
For R1, R4, R5 & R6 : Mr.R.Kumaravel, AGP
For R3, R8 & R9 : Mr.M.R.Jothimanian
For R7 : Mr.V.Ajoy Khose

ORDER



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This Writ Petition has been filed challenging the order passed by the third respondent bearing RC.No.A3/1493/2018-III dated 05.03.2021, through which, the petitioner is relieved from the post of Secretary of the third respondent's Trust.

2. The third respondent Trust is not an organization or authority which would fall within the meaning of the State or other authorities under Article 226 of the Constitution of India. Therefore, in case, if the petitioner is aggrieved by the order passed by the third respondent herein, it is for the petitioner to avail proper remedies against the third respondent, but not by way of filing a writ petition under Article 226 of the Constitution of India.

3. Though the petitioner tried to make out a point to maintain the writ petition by alleging violation of Rule 9(2) of the Tamil Nadu Private Colleges (Regulation) Act, 1976 (hereinafter referred to as Act) and Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, the said Rule has no application to the case of the petitioner, as the petitioner is neither a teacher nor a non-teaching staff working in the school in question, but only acting as Secretary of the said Trust when the impugned order was passed.



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Therefore, the said Rule 9(2) of the Act, 1973 has no application to the case of the petitioner and there is no other violation of the statutory provisions or regulations.

4. Further, it is also brought to the notice of this Court that the interim stay dated 09.04.2021 passed in this writ petition was appealed in W.A.No.1253 of 2021 and pursuant to the order passed therein, the new Secretary was already appointed.

5. In the light of the above, this Court is of the considered view that the present Writ Petition seeking relief against the third respondent is not maintainable. Accordingly, the Writ Petition stands dismissed. Consequently, the connected miscellaneous petitions are also closed. No costs.

20.06.2024

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1. The Secretary to Government,
Higher Education Department,



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2. The Advocate General,
Government of Tamil Nadu,
Chennai 600 104.
3. Pachaiyappa's Trust,
Rep. by the Administrator General
and Official Trustee of Tamil Nadu,
High Court of Madras,
Chennai 600 104.
4. The Director of Collegiate Education,
College Road,
Chennai 600 006.
5. The Joint Director of Collegiate Education,
Chennai Region, Chennai 15.
6. The Joint Director of Collegiate Education,
Vellore Region, Vellore.
7. The Association of University Teachers (Regd),
Tamil Nadu, Joint Action Committee of
Pachaiyappa's Trust Board Colleges (JAC_PTBC)
Rep. by Chairman Dr.L.C.Thirumalai,
Pachaiyappa's College, Chennai 600 030.

MUMMINENI SUDHEER KUMAR, J.

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