



W.P.No.16850 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16850 of 2024

and

W.M.P. Nos. 18533 and 18534 of 2024

K.Sekar

... Petitioner

Vs

1. The Director of Collegiate Education,
Saidapet,
Chennai – 600 015.
2. The Joint Director of Collegiate Education,
Chennai Region,
Chennai – 15.
3. The Joint Director of Collegiate Education,
Vellore Region, Vellore.
4. The Principal, Panchaiyappa's College,
E.V.R. Periyar Road,
Shenoy Nagar,
Chennai – 600 030.
5. The Secretary, Panchaiyappa's Trust,
Panchaiyappa's College Campus,
113, Harrington Road,
Chennai – 600 030.
6. G.Mugundan & Co,



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Chartered Accountant, Statutory,
Auditor of Pachaiyappa's Trust and Institutions,
Chennai.

7. The Sub-Registrar,
Co-operative Societies,
Chennai.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records pertaining to the Rc. No. A1/0401/2024, dated 12.06.2024 issued by the fifth respondent and quash.

For Petitioner : Mr. G.Murugendran

For Respondents : Mr. C.Jayaprakash,
Government Advocate (for R1 to R3)

Mr. Godson.Swaminathan
for M/s. Isac Chambers (for R4 & R5)

Mr. S.Arumugam,
Government Advocate (for R7)

O R D E R

Heard Mr. G.Murugendran, learned counsel for the petitioner, Mr. C.Jayaprakash, learned Government Advocate appearing for the first to third respondents, Mr. Godson Swaminathan, learned counsel for the fourth and fifth respondents and Mr. S.Arumugam, learned counsel for the seventh respondent and perused the materials place on record, apart from the



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pleadings of the parties.

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2. This Writ Petition has been filed challenging the order dated 12.06.2024 passed by the fifth respondent, thereby the fifth respondent suspended the petitioner from service.

3. The petitioner had joined the service of the fourth respondent and thereafter, he was promoted to the post of Superintendent. While that was so, he was transferred to C.Kandaswami Naidu College for Women, Cuddalore on 01.10.2021. The petitioner, while working in the said College, was suspended from service by order dated 12.06.2024.

4. The learned counsel for the petitioner submitted that the fifth respondent has no jurisdiction to pass an order of suspension, as the fifth respondent is not a competent person. He also made several allegations against the fifth respondent in his personal capacity. The College Committee alone has the competency and jurisdiction to initiate disciplinary proceedings. Hence, as per Section 14 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 (hereinafter referred to as 'the Act' for short), the



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employees of aided colleges are governed. The petitioner is currently working in the said C.Kandaswami Naidu College for Women, Cuddalore.

4.1. He further submitted that the College Committee, as per Section 11 of the Act, means that every private college, not being a minority college, shall have a College Committee which shall include the following persons employed in the private college, viz., the Principal, the senior-most selection grade Lecturer or Reader, one other selection grade lecturer, and the senior-most Superintendent. Therefore, the fifth respondent is no way connected with the petitioner's college, viz., the said C.Kandaswami Naidu College for Women. That apart, the order of suspension was passed with malafide intention since the petitioner had already filed four Writ Petitions against the fourth and fifth respondents herein. Therefore, the petitioner was suspended from service without committing any fault. He also submitted that the reasons for suspension occurred between 2017 and 2022, whereas the fifth respondent suspended the petitioner in the year 2024.

5. The learned counsel appearing for the fourth and fifth respondents submitted that the fifth respondent has jurisdiction and is a

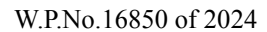


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competent person to issue an order of suspension. He also pointed out that Section 12 of the Act states that every College Committee shall have a secretary who shall exercise such powers and perform such functions as may be prescribed. Further, every person holding office as President, Secretary, Manager, or Correspondent of a private college, or exercising the powers of secretary under this Act on the date of its commencement, shall be deemed to be a Secretary under this Act.

5.1. He further submitted that Rule 8 of the Tamil Nadu Private Colleges (Regulations) Rules, 1976, states the Constitution of the Committee. The educational agency of every college, other than a minority college, shall constitute a committee. The term of office of the members of the committee shall be three years. Members of the Committee shall be eligible for re-nomination. Accordingly, the College Committee, consisting of the President of Pachaiyappa's Trust, Secretary of Pachaiyappa's Trust, Principal, Associate Professor of English, and Member, Associate Professor of Chemistry, and Member, Superintendent, and Member, and Professor of Public Administration from the University of Madras, are the Committee Members constituted for Pachaiyappa's Trust. Accordingly, the Committee



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person) for the said periods.

(iii) Further there was an override of control by the Superintendent Thiru. K.Sekar in the areas of preparation of cheques, maintenance of cheque register, maintenance of books of accounts and as Superintendent Thiru. K.Sekar he has abused his power with his subordinate and higher authorities.

(iv) In Recovery Account noted that there were numerous cash withdrawals on individual's name, out of which, majority is on the Superintendent Thiru K.Sekar's name and without any supporting vouchers for those specific transactions, as well.

(v) Based on complaint by one Thiru. Kathiresan, Assistant of Pachaiyappa's Trust Office, with regard to non-credit of his Thrift Society Account due amount Rs.2,00,000/- also it comes to understand that, Thiru K.Sekar at the time of functioning as President of Pachaiyappa's College Staff Thrift Society Ltd. Had involved misappropriation of trust funds which was deducted from the stiff members of the Pachaiyappa's Trust.

(vi) Further seems that the self withdrawal in the



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name of employees and they admitted the same and found that the misappropriation of amount has been done by Thiru K.Sekar with intention to misappropriate the Trust amount from the said amount. It is pertinent to note that Thiru. K.Sekar himself withdrawn the payment for a sum of Rs.12,78,000/- without any vouchers and also no entries were recorded in the cheque issuing register and therefore, Thiru K.Sekar has committed criminal breach of trust, impersonation and misappropriation of trust amounts.

(vii) Thiru K.Sekar has misappropriated and involved for a sum of Rs.39,59,999/- with other subordinate employees as per records and therefore, he is liable to be prosecuted under criminal law as well as departmental action since the educational institutions are aided institutions and employees amount has been misappropriated and failed to maintain the absolute integrity and devotion to duty as per the service rules.

(viii) Further seems that the self withdrawal in the name of employees under him and they admitted the same and found that the misappropriation of amount has been done by Thiru K.Sekar with intention to misappropriate the Trust amount from the said account. It is pertinent to note that Thiru K.Sekar himself withdrawn the payment for a sum of Rs.12,78,000/- without any vouchers and also no entries



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were recorded in the cheque issuing register.”

6. Therefore, the Committee resolved to suspend the petitioner with immediate effect. Further, the learned counsel for the petitioner specifically contended that he was already transferred to the said C.Kandaswami Naidu College for Women, Cuddalore, and as such, the Committee of the fourth respondent is no way connected with the petitioner's College, and the Fifth respondent has no jurisdiction to pass an order of suspension.

7. It is seen from the records that the Pachaiyappa's Trust has established and maintained six aided colleges. The Pachaiyappa's Trust Board is the educational agency for all these colleges and has been treated as a single corporate unit for the purpose of appointment, promotion, and transfer of staff working. Therefore, the College Committee of the Pachaiyappa's Trust has jurisdiction to suspend the petitioner and pass an order of suspension.

8. Further, though the petitioner made many allegations against the



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fifth respondent in his personal capacity, the petitioner failed to establish a malafide intention to pass an order of suspension. In view of the above, this Court finds no infirmity or illegality in the order passed by the fifth respondent, and the Writ Petition is devoid of merits and is liable to be dismissed. It is made clear that any observations made by this Court shall not influence the disciplinary authority to proceed against the petitioner.

9. In the result, this Writ Petition is dismissed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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3. The Joint Director of Collegiate Education,

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Vellore Region, Vellore.

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