



W.A.(MD)No.863 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 28.10.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.863 of 2012
and
M.P(MD)Nos.1 and 2 of 2012

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
Fort.St.George,
Chennai – 600 009.
 2. The Director of Collegiate Education,
Chennai- 600 006.
 3. The Regional Joint Director
of Collegiate Education (FAC),
Madurai Region,
Madurai- 625 020.
- Appellants/Respondents

...

Vs.

Yadhavar Kalvi Nithi,
Registered Society,
represented by its Secretary,
K.P.Navaneetha Krishnan,
Govindarajan Campus,
Tirupalai,
Madurai District – 625 014.

... Respondent/Petitioner



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PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 05.10.2012 made in W.P.(MD).No.9145 of 2012 on the file of this Court and allow this writ appeal.

For Appellants : Mr.Veerakathiravan,
Additional Advocate General (III),
assisted by Mr.D.Sadiq Raja,
Additional Government Pleader

For Respondent : Mr.E.V.N.Siva

JUDGMENT

(Judgment of the Court was made by **K.K.RAMAKRISHNAN, J.**)

The appellant/ Government has filed this writ appeal challenging the order of writ court passed in W.P.(MD).No. 9145 of 2012 wherein the writ court quashed the G.O.Ms.No.1021(Education Department) dated 02.09.1985 in which government authorized the 3rd appellant to attend the work relating to the matter of the teachers when there was management dispute in the private aided colleges.

2.One Mr.K.P.Navaneethakrishanan, representing himself as a Secretary of the Yadhavar Kalvi Nithi registered society filed writ petition in W.P.(MD).No.9145 of 2012, to issue a writ of certiorari calling for the records



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relating to the G.O.Ms.No.1021(Education Department) dated 02.09.1985,

quash the same insofar as the petitioner's college is concerned.

3.In the writ petition, he alleged that Yadhavar Kalvi Nithi (Yadhavar Educational Fund) is the registered society, coming under the Tamilnadu Society Registration Act, 1975. The same was registered in the year 1962 in No. 85 of 1962 under the old Registration Act, 21 of 1890. The Society is governed by its by-laws and the same was established by the Yadhava Community People of Tamilnadu to provide education to the weaker section of its community people in and around Madurai.

4.The Society in order to achieve the object of providing education, established the Yadhava college at Madurai in the year 1969 and affiliated to the Madurai Kamarajar University and also received the Aid from the Government. In the year 2009, the society established the self financing course, namely Yadhava College of Education with recognition of National Council for Teachers Education and affiliation from the Tamilnadu Teacher Educational University.



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5.The Secretary of the said college, Mr.A.R.Chandran, expired on 24.12.2008. It is the case of the petitioner that he was nominated as a new Secretary in the meeting on 28.12.2008 and the same was registered with directorate of Collegiate Education as a Secretary of the said college in the place of Mr.A.R.Chandran, vide proceedings dated 09.01.2009. The same was challenged by the rival parties, namely, Dr.C.Gopalakrishnan, S.Santhanakrishnana and Santhanakaruppasamy before this Court in W.P.(MD).Nos.359 and 1194 of 2009. Their dispute is going on as usual by submitting the rival Form No-VII, by various other persons also. Therefore, there is chaos over the management of the college administration. That being the situation, the second respondent passed the following order on 27.02.2012 on the basis of the G.O.Ms.No.1021 Education Department dated 02.09.1985:

Hence as per powers deligated to Director of Collegiate Education in Tamil Nadu Private College Regulation Act 1976, G.O.Ms.No.1021 Education dated 2.9.85 is invoked with immediate effect. Regional Joint Director of Collegiate Education, Madurai has to make necessary arrangements regarding disbursement of salary to the Teaching and Non-teaching staff members of the Yadava College from February 2012 onwards. All other conditions stipulated in the said G.O.Ms.No.



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1021 shall hold good, till the approval of Lawful Secretary of the College is accorded after settling the disputes prevailing in the Yadava College (Co-Education), Madurai.

6. On the basis of the same, the third respondent took over the charge of the college on the basis of the said order of the second respondent, dated 27.02.2012, which reads as follows:

Rc.No.3935/B2/2011 dated 28.02.2012

Sir,

Sub: Collegiate Education Department-Aided Colleges -Approval of Secretary of Yadava College, Madurai – Various Allegations – Several Contensions Dispute in the Management and Invalid Form VII- Court orders pertaining to Enquiry on Registration of Form VII- Implementation of G.O(Ms) 1021-Reg.

Ref: Proceeding of Director of Collegiate Education, Chennai
Rc.No: 17265/G4/2011 dated 27.02.2012.

In response to the proceeding cited I have taken over of Charge of Yadava College (Co-Edu) Madurai on the forenoon of 28.02.2012. I enclose herewith a copy of the Proceeding cited for your information.

Sd/- (28.02.2012)
Joint Director of Collegiate Education,
(FAC),Madurai Region, Madurai.



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7. Challenging the same, number of writ petitions have been filed and

the writ petitioner has also filed this writ petition questioning the power of the Government to issue impugned the G.O.Ms.No.1021 Education Department dated 02.09.1985. The main grounds raised by the writ petitioner are as follows:

B. The impugned G.O., is ostensibly repugnant to the scheme of administration and exercise of power contemplated under the Tamil Nadu Private Colleges (Regulation) Act and Rules 1976.

C. The establishment and administration of the Private College being recognised as derivative of the Fundamental Rights guaranteed under Article 19(g) of the Constitution of India, the impugned G.O., which infringes upon the same is an infraction of the said Fundamental Right.

D. The impugned G.O., encroaches the Fundamental Right guaranteed under Article 19(g) of the Constitution of India.

E. The impugned G.O., is distractive of the rights of the Educational Agency and the College Committee to administer the affairs of the College.

F. The TN Private Colleges (Regulation) Act and Rules 1976



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clearly vest the power of administration in the hands of the College Committee and the Secretary of the College.

- G. The TN Private Colleges (Regulation) Act and Rules provide for certain contingent situation where the State Government has the power to withhold permanently or any specified time for the whole or part of grant-in-aid, or to suspend the management temporarily and appoint Special Officer to manage the college or to take over the management of the college and to continue such take over for periods beyond one year by exercising such power with the procedural protection in favour of the management and to avoid arbitrary actions.*
- H. The impugned G.O., is unchannelized, unguided and arbitrary power so lavishly vested on the Directorate of Collegiate Education.*
- I. The impugned G.O., diverts most of the essential elements of the administration of the college by the Secretary and the college committee and vests the same with the officials of the Directorate.*
- J. The impugned G.O., confers the power of appointment of substitute teachers, sanction of leave and incentive to staff, employment up to the end of year, fixation of pay, sanciton of selection grade, payment of provident fund and other loans, permitting employees for higher studies and FIP to the officials of the Directorate would be distractive of the*



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scheme provided under the TN Private Colleges (Regulation) Act and Rules 1976 which gave power to the Secretary and the College Committee.

- K. The impugned G.O., confer the Director with arbitrary and unguided powers to interfere and even take away the essential activities of management of the college.*
- L. The impugned G.O., is contrary to the provisions of the Tamil Nadu Private Colleges (Regulation) Act and Rules 1976.*

8.As stated above number of writ petitions have been filed, in W.P. (MD).No.13759 of 2011 and 2582, 5948, 8451, 153981, 15403, 16595 to 16599 of 2012 and 1124 of 2013. This writ Court de-linked the writ petition in W.P.(MD).No. 9145 of 2012 alone and took it for final disposal and posted for hearing on 01.10.2012 and this Court passed the following orders:

On 01.10.2012, the following order was passed by this Court:-

“ Learned Special Government Pleader prays for further time, to file a counter. Though there is no justification to grant further time, in spite of the fact that they have been granted five opportunities earlier, but in the interest of justice, last opportunity was granted, on payment of Rs.2,000/- (Rupees two Thousand only), as costs to the Tamil Nadu Legal Services Authority, Madurai Bench of High Court, Madurai.



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2. Post this writ petition for hearing on 05.10.2012.”

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The cost has not been paid. Therefore, the defence of the respondents is ordered to be struck off.

9. Subsequently, no counter has been filed and hence, this Court quashed the G.O.Ms.No.1021 dated 02.09.1985, by passing the following impugned order:

22. The learned counsel is right in contending, that the impugned G.O, can not be sustained in law.

23. The statute provides the procedure for taking over of the college management, in case of mismanagement.

24. The Government has full power, not only to take over the management, but also to appoint special officer by following the procedures laid down under the Act. The impugned Government Order is totally arbitrary and contrary to statute. Sections 14 and 14-A of the Act give power to state Government to take over the management or appoint Special Officer after giving opportunity of hearing. The power to be exercised therefore are quasi judicial powers which can not be delegated in absence of provision under the Act permitting such delegation of powers. It is well settled that statutory power can be exercised strictly as per



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statute and procedure laid thereunder.

25. Accordingly, the writ petition is allowed.

G.O.Ms.1021, dated 02.09.1985 is quashed. Connected Miscellaneous Petitions are closed. No costs.

10. Challenging the same, the appellants have filed this writ appeal.

11. The learned Additional Advocate General, Thiru. Veerakathiravan, with the assistance of Mr. D. Sadiq Raja, Learned Additional Government pleader made the following submissions:

(i) the G.O.Ms.No.1021 Education Department was issued in the year 1985, to meet out the contingencies over the management dispute and in resultant vacuum in the management “*in the interest of the teachers*”. The writ Court quashed the impugned Government Order only on the ground that Section 14 and 14(a) of the Tamil Nadu, Private College Regulation Act, 1996 provides the power to the Government to take over the management or appoint the special officer, after giving opportunities of hearing. There was no provision to delegate the powers. Therefore, without the power of delegation the impugned Government Order was passed by the Government. According to the learned Additional Advocate General, the said approach of the writ Court is not in accordance with the Act, namely, Tamil Nadu Private College Regulation



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Act, 1976, and also writ Court has not properly considered the object of the

G.O. Therefore, he seeks to set aside the order of the writ Court. He further submitted that the main ground raised by the writ petitioner to quash the G.O revolved around the arbitrary exercise of the power. In the event of the arbitrary exercise of power, the institution has power to challenge the same. Misuse and abuse of the Government order by the authority is not a ground to quash the entire G.O which was aimed to protect the interest of the teachers of the college and the same holds the field from 1985 onwards and the quashing the entire G.O beyond the prayer of the writ petitioner is not legally valid. There was no ground of any violation of the constitutional provisions or the statutory provisions. The power under Section 14 (A) of the Act is different from the power conferred under the G.O. The writ petitioner has not even pleaded any incompetency. Further, the writ Court has no jurisdiction to pass the order in hasty manner without giving adequate opportunity to file the counter, that too without clubbing all the matter relating to the issue in the connected writ petition. Therefore, the writ court committed error in quashing the G.O. Hence, he seeks to set aside the impugned order of the writ Court.

12.The learned counsel for the respondent submitted that the writ Court considering the Section 14 (A) of the Act correctly decided the issues and



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quashed the G.O. When the writ Court found that there was no delegation of power under the Act, this Court has no jurisdiction to interfere with the same.

He further submitted that subsequently all the writ petitions relating to the management of the college were taken together and the order of the 3rd respondent was upheld except his power to interfere with the unaided course. Apart from that the retired judge of this court was appointed as administrator and his lordship conducted election and the newly elected person is managing the college. Therefore, no further adjudication is necessary in this case.

13.This Court considered the rival submissions made on behalf of all parties and perused the records and the relevant provision of the private college regulation Act.

14.The question arising in this appeal is whether the writ Court is correct in quashing the G.O.Ms.No.1021 Education Department dated 02.09.1985 without properly appreciating the relevant provision of the Tamil Nadu Private College Regulation Act?

15.To consider the order of the writ court, it is relevant to extract the G.O.Ms.No.1021 Education Department dated 02.09.1985:



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"GOVERNMENT OF TAMIL NADU"

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ABSTRACT

Aided Colleges - Dispute in the management of Aided Colleges authorising the Regional Deputy Directors of Collegiate Education to attend to certain items of work relating to the matters of teachers - orders – issued.

EDUCATION DEPARTMENT

G.O.Ms.No.1021 Dated 2.9.1985 From the Director of Collegiate Education, Madras Lr.R.C.No.:132456/No7/85, dt. 7.1.1985.

ORDER:

The Government had examined the question of permitting the Regional Deputy Director of Collegiate Education to attend to certain items of work relating to service matters of teachers of Aided Colleges, which are incidental to payment of salary of the teachers, whenever there is dispute in the management of Aided Colleges and they permit the Director of Collegiate Education to authorise the Regional Deputy Director of Collegiate Education concerned to attend the following items of work of Aided Colleges considered in the absence of the Secretary of the College due to disputes in managements/where there is dispute over the Secretaryship of the Aided Colleges.

- 1) To draw and disburse the salary of the staff of Aided Colleges when there is dispute in the management.*
- 2) To sanction leave and increment to the employees.*
- 3) To sign papers relating to provident fund (Admission, Transfer, Advance and Closure).*



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- 4) *To sign pension papers relating to reemployment upto the end of the Academic year concerned.*
- 5) *To sign the papers relating to fixation of pay and selection grade.*
- 6) *To sign the papers relating to the loans and advances admissible as per rules (including disbursement) T.P.F. Advance other loans and advances if any admissible as per rules.*
- 7) *To relieve the employees consequent on the resignation and retirement as per rules.*
- 8) *To relieve the employees who go on leave/deputed to higher studies etc.*
- 9) *To sign papers relating to the deputation of teachers under F.I.P of University Grants Commissions scheme and to correspondent with the UGC in connection with the salary of the substitutes appointed against the vacancies caused to the deputation of the teachers to the higher studies under the above said schemes.*
- 10) *To make entries in the Service Books.*
- 11) *To correspond with the University to get the approval of the appointment of the teachers appointed by the Legal Secretary of the College before the dispute.*
- 12) *To assess grant in respect of the teachers appointed by the Legal Secretary of the dispute, without awaiting the formal proposal from the Secretary of the College for the approval of the appointment by the Department provided to the appointments have been approved by the University concerned.*



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13) To appoint substitutes in the approved vacant posts (i.e., new posts, leave vacancies, retirement and resignation vacancy etc.) purely on temporary basis. The continuance of such employees may be decided by the management about the dispute is settled and the direct payment system is revoked.

14) To send proposals to Director of Collegiate Education for up-gradation of as per rules.

2) The Regional Deputy Directors of Collegiate Education should hand over the Lawful Secretary of the Colleges after the dispute is settled with proper acknowledgement all the records relating to the above items of work which were attended to by him during the period in which the direct payment of salary was made to the employees of the College by the Regional Deputy Director of Collegiate Education.

(By order of the Governor)

T.D.SUNDARRAJ

Commissioner & Secretary to Government."

16.To test the validity of the writ court order, this court perused the various provisions of the Tamil Nadu Private Colleges Regulation Act and Rules 1976, including Section 14-A, 23,24,30, 30A and Rule 7and 5.

17. From a reading of Section 14 (a) of the Act, it is seen that the Government has the following powers in the case of the management dispute of the private aided college :



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17.1. As per Section 14(a) of the Act, Government has the following four options:

- (i) to take over the management of the colleges
- (ii) to appoint special officer, by suspending the management
- (iii) to initiate the action against the erring manager
- (iv) to direct the management to take action against the erring manager.

17.2. Under Section 30 of the Act, the Government upon receipt of the report from the competent authority and satisfying that the educational authority of the private college has neglected to discharge any of the duty imposed on, or to perform any of the functions entrusted to in the interest of the collegiate education to take over the management by issuing order. While doing the said exercise, the Government satisfied that suspension of management under Section 14(a) will not be sufficient. The above entire exercise under Section 30 of the Act, should be taken upon giving opportunity to the educational agency.

18. Either taking the management of the private college or appointing the officer on the part of the Government is the drastic measure. Before



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exercising the same, the Government shall follow the procedure stated in the

Act. Taking the management or appointing officer to manage the Educational Institution, is entirely different power than appointing the third respondent to look after the service matter of the teachers in the said institution during the period of the management choas.

19.The Act is divided in the 9 chapters. The chapter IV relates to the “*Terms and conditions of service of teachers and other persons employed in private colleges*” and V relates to the “*control of private colleges*”. In Chapter IV Sections 23 and 24 are incorporated.



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Section 23	Section 24
23. Pay and allowances of teachers and other persons employed in private college to be paid in the prescribed manner:- The pay and allowances of any teacher or other persons employed in any private college shall be paid on or before such day of every month, at such rate and in such manner and by or through such authority, officer or person, as may be prescribed.	24. Chapter to have overriding effect and certain provisions thereof not to apply to minority colleges:- (1) This chapter or any rule providing for all or any of the matters specified in this Chapter or any order made in relation to any such matter shall have effect notwithstanding anything contained in any- i) other law for the time being in force, in ii) award, agreement or contract of service, whether such award, agreement or contract of service was made before or after the date of commencement of this Act, or iii) judgment, decree or order of Court, Tribunal or other authority: Provided that where, under any such award, agreement, contract of service or otherwise, any teacher or other person employed in any private college is entitled to benefits in respect of any matter which are more favourable to him than those to which he will be entitled under this Chapter, such teacher or other person shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Chapter. 2) Nothing contained in this Chapter shall be construed as precluding any such teacher or other person from entering into an agreement for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Chapter. 3) The provisions of sub-section (2) of Section 18 and of Sections 19 to 22 (both inclusive) of this Chapter or any rule providing for all or any of the matters specified therein or any order made in relating to ant such matter shall not apply to a minority college.



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20.From the reading of the above Section, it is clear that there is overriding effect over the previous chapters, namely, Section 14(A) of the Act. The purpose behind Section 24 of the Act, is further clarified in Rule No.7 and 15 of the Tamilnadu Private Schools Regulations Rules, 1976.

Section 7	Section 15
7.Payment of grant- (1) Subject to the orders and instructions issued by the Government, from time to time, every college may be paid grants specified in sub-rule (2).No grant shall be paid to any college, the affiliation approval of which has been withdrawn by University concerned for the period of such withdrawal of affiliation/approval 2)Subject to such terms and conditions and at such rates as may be approved by the Government, from time to time, grants may be paid to any college for the purposes of teaching, construction of buildings, purchase of building site, playground, furniture, books and appliances. 3)Subject to the provision of sub-section (2) of Section 10, the Government may withhold permanently or fro any specified period, the whole or part of any grant, if any of the conditions, specified below or directions or orders issued by the Government or the Director or his subordinate officers, from time to time, are contravened or not complied with- a)No educational agency shall collect from the students, parents or any other person for any purpose whatsoever, fees, donations or subscriptions other than those specified by the competent authority under Section 28; b)The educational agency shall carry out the instructions issued by the Government from time to time, in the publis interest to ensure that the interest of students belonging to the socially and educationally backward classes and the linguistic minorities are safeguarded; c)The educational agency shall carry out the instructions issued by the Government or by the Director with a view to maintain academic standards and to safeguard the interests of the teachers and the students; d)The educational agency shall fulfil all the conditions stipulated at the time of according permission to establish the college; e)The college shall be located in a building which is accessible to all persons, irrespective of caste or community f)The premises of the colleges or subsidiary building appertaining to it or a playground or a vacant site belonging to the college whether adjacent to or remote from it shall, ordinarily, be used for the purpose of conducting the college or for functions conducted by such college or fro authorised examinations or for other purposes specifically permitted by the director g)The committee shall not appoint any teacher who has been duly declared unfit to be a teacher by the University or the Director, or whose certificate has been suspended or cancelled or who has been convicted for offence involving moral turpitude h) the committee shall grant fee concessions to students in accordance with the orders issued by the Government, from time to time.	15.Pay and allowances of teachers and other persons employed in a college to be paid in the prescribed form.- Every teacher and other person employed in a college shall be paid his pay and allowances for each month on the first working day of the succeeding month. Such payments shall be made, by cheque or by demand draft and not by cash, by the secretary of the committee or in his absence, for any reason whatsoever, by the person duly authorised by the educational agency.

21.From a conjoint reading of the entire provisions of the Act and



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Rules, it is clear that the Government has power to issue any Government Order to discharge the duties mentioned in the Rule Nos.7 and 15 of the Rules 1976, framed under Act, 1976. It is a temporary measure in the interest of the teachers community, which is ultimately aimed at the smooth functioning of the teaching in the college and thereby, there is a inclusion of predominant interest of the students, behind the Government Order.

22.As per Rule 15, the Secretary of the Committee is duty bound to disburse the monthly salary on the first working day of the succeeding month. Similarly, Section 23 of the Act, also provides timely disbursement of the pay and allowance of the teachers. The said mandatory discharge of duty has its own significance. The right to receive the salary is a constitutional right of the teachers. Therefore, the statutory obligation is created under Section 23 of the Act and Rule 15. Hence, to immediately redress the grievance of the teachers, the Government has power to issue the impugned Government Order under Section 23 and 24 of the Act, which has the over riding effect over Section 14(A) of the Act.

23.Therefore, the Government has independent power regarding the effective implementation of the service condition of the teachers both in the



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interest of the teachers community and the students community to appoint the third respondent like officers to maintain the proper functioning of the school.

The same cannot be mingled with the above taking the management. Once, the management's dispute is resolved, the authority's power under the Government Order would automatically vanish. Therefore, the order of the writ Court that there was no power to delegate the same is without consideration of the entire scheme of the Act and Rule. More particularly, Sections 23, 24 of the Act and 15 and 7 of the Rule, which provides such powers to discharge the service conditions of the teachers of the aided colleges. Therefore, the writ Court's order is not in accordance with the holistic interpretation of the entire provision of the Act and Rule. Hence, this Court is unable to concur with the view taken by the writ Court. Accordingly, G.O.Ms.No.1201 (Education Department) dated 02.09.1985, is within the legislative competence of the Government under the provision of the Tamilnadu private Colleges Regulation Act and Rules.

24.The ground raised by the petitioner that there is a possibility of “*arbitrary exercise of the power*” has to be tested on facts and circumstances of each case. That is not a ground to quash the Government Order issued for achieving a well intentioned purpose.



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25. It is a well settled principle that the misuse of the provisions of the Act, is not a ground to strike down the Act. It is also further settled that in the case of misuse, the parties have remedy to redress the same.

26. Teachers are the heart of the education institution. Heart cannot function without circulation of blood, namely, salary. Due to dispute in the management, there would be block in the said circulation which would require immediate ventilator support. The said support is the object behind G.O. Therefore, quashing the G.O leads to the natural death of the educational system. Hence, this Court declines to accept the reasoning of the writ Court i.e. (a) provided the remedial measure. Before invoking i.e.(a), almost all the teacher would have lost their salary. To meet the interregnum existency the Government consciously brought the G.O in the welfare of Teachers without affecting any of constitutional right of the petitioner. Once the dispute between them is over, immediately they would resume power of disbursement of salary. The G.O was issued in the year 1985. The Government authorities have exercised their power to disburse the salary of the teachers and other related service of the teachers also were considered pending the dispute of the management for a number of years in various private aided college management disputes. The said act of the authorities to look into the welfare of the teachers



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is the immediate necessity till the Government invokes the drastic measures under the provision of the 14 (A) of the Act or till the management dispute is over. Without disbursement of the salary to the teacher of the college, the teacher and the students will ultimately suffer. Therefore, for the purpose of carrying out the teaching work smoothly, the G.O. was enacted, and the same was holding the field from 1985 onwards. Quashing the G.O by the writ Court without conjointly considering the 14 (A) and Section 24 of the Act is not valid. There are number of management disputes in number of private colleges and the government also invokes the power under G.O. The object of the G.O to impart education without any hurdle and disturbance by providing the salary to the teachers as a life saving medicine of the education institution. When the G.O. Holds the field for numbers of years, the writ Court has no jurisdiction to quash the same in the individual case. Therefore, this Court is inclined to set aside the order of the writ Court.

27.The contention of the learned counsel appearing for the college that the G.O., has no application to the self financing courses is meaningless. There is one college management to look after both aided and self financing courses. Teachers under both category are entitled to receive their eligible service benefits. When the management is in dispute, teachers under the both



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aided and the self financing courses are worstly affected. Therefore, the Government issued the G.O., and in the said Government Order, it is specifically stated that “*Dispute in the management of Aided Colleges authorising the Regional Deputy Directors of Collegiate Education to attend to certain items of work relating to the matters of teachers*”.

28. From the holistic reading of the word “*aided colleges*” with respect to the *working conditions of the teachers*, this Court finds that no different yardstick can be followed to the self financing courses. The interest of the teachers working in the said courses are also to be looked into. Therefore, impugned Government order in G.O.Ms.No.1201 (Educational Department) dated 02.09.1985, is intravires of the provision of the Act and Constitution of India. Hence, this Court is inclined to allow this writ appeal.

29. Accordingly, this writ appeal stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[V.B.S.,J.] [K.K.R.K.,J.]

28.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

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1. The Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort.St.George, Chennai – 600 009.
2. The Director of Collegiate Education,
Chennai- 600 006.
3. The Regional Joint Director of Collegiate Education (FAC),
Madurai Region, Madurai- 625 020.
4. The Additional Government Pleader,
Madurai Bench of madras High Court, Madurai.



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