



W.P.(MD).Nos.26509 and 26510 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).Nos.26509 and 26510 of 2024

and

W.M.P.(MD)Nos.22472, 22477 and 22479 of 2024

W.P.(MD)No.26509 of 2024

Seethalakshmi Achi College for Women,
Represented by its Secretary,
Thiru.O.A.A.A.Ap. Annamalai Chettiar,
Karaikudi-Trichy Road,
Pallathur, Sivagangai,
Tamil Nadu-630 107.

... Petitioner

Vs.

1.The Director of Collegiate
Education,
Institute of Advance Study in
Education Campus,
577, Anna Salai, Saidapet,
Chennai, Tamil Nadu-600 015.

2.The Joint Director of Collegiate
Education,
Regional Joint Directorate of
Collegiate Education,
Palam Station Road, Sellur,
Madurai-625 002.

3.Muthu Adaikappan

... Respondents



W.P.(MD).Nos.26509 and 26510 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent not to consider the illegal College Committee Meeting proceedings dated 26.10.2024 issued by the 3rd respondent which is violative of Rule 10 of the Tamil Nadu Private Colleges (Regulation) Rules 1976.

For Petitioner : Mr.Mohamed Asik Jaman

For R-1 & R-2 : Mr.T.Amjad Khan,
Government Advocate

W.P.(MD)No.26510 of 2024

1.Dr.S.Padmini

2.Dr.A.Rukmani

... Petitioners

Vs.

1.The Director of Collegiate
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4.Seethalakshmi Achi College for Women,
Represented by its Secretary,
Thiru.O.A.A.A.Ap. Annamalai Chettiar,



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Karaikudi-Trichy Road,
Pallathur, Sivagangai,
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5.Saradhal Alagappan

6.Dr.R.Ananthaselvi

7.S.Deivanai

8.Registrar,
Alagappa University,
Alagappa Nagar, Karaikudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent not to consider the illegal College Committee Meeting proceedings dated 26.10.2024 issued by the 3rd respondent which is violative of Rule 10 of the Tamil Nadu Private Colleges (Regulation) Rules 1976.

For Petitioners : M/s.A.N.Meenakshi

For R-1 & R-2 : Mr.T.Amjad Khan,
Government Advocate

For R-8 : Mr.T.Cibichakrabarthi

COMMON ORDER

These writ petitions have been filed seeking direction to the 1st respondent not to consider the illegal College Committee Meeting



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proceedings dated 26.10.2024 issued by the 3rd respondent which is violative of Rule 10 of the Tamil Nadu Private Colleges (Regulation) Rules 1976.

2. By consent of both the parties, these writ petitions are taken up for final disposal at the admission stage itself.

3. Heard, Mr.Mohamed Asik Jaman, learned counsel appearing for the petitioner in W.P.(MD)No.26509 of 2024 and M/s.A.N.Meenakshi, learned counsel appearing for the petitioners in W.P.(MD)No.26510 of 2024, Mr.T.Amjad Khan, learned Government Advocate and carefully perused the materials available on record.

4. Considering the nature of the relief sought for herein notice to the 3rd respondent in W.P.(MD)No.26509 of 2024 and the respondents 3 to 7 in W.P.(MD)No.26510 of 2024 is dispensed with.

5. The petitioner in W.P.(MD)No.26509 of 2024 is the Secretary of Seethalakshmi Achi College for Women and the crux of the lis is all about the alleged mis-management which is indulged by the 3rd respondent in the



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capacity of the President of Trust Board of the said college. Clause 9, 11 and 12 of deed of declaration of the Trust Board of the petitioner College is extracted as follows:

“9. The Founder shall be a Trustee for life and shall be President of the Board of Trustees and also the Secretary of the Trust Board and Correspondent of the college. After his life time the senior most male descendant of the male line of the Founder's Family functioning as trustee shall be the President.

11. The two offices of President of Trust Board and Correspondent of the College shall not be held by the same member of the Founder's family, except in the case of the Founder. In case the Correspondent becomes the President of the Trust Board, the next senior in age amongst male descendants in the Founder's family functioning as trustee shall held the office of Correspondent of the college. The same shall be the mode of the devolution of the office of President of the Trust Board and Correspondent of the College from generation to generation in the Founder's family.

12. The Correspondent of the College shall hold the office of the Secretary of the Trust Board after the life time of the Founder Correspondent.”



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6. Since the Founder trustee has passed away, the 3rd respondent being the eldest male descendant in the male line of the Founder's family, he took up as the president of the Trust Board of Seethalakshmi Achi College for Women, after the demise of the Founder President. In terms of clause 11, the next senior in age among the male descendants in the Founder's family is the petitioner who is functioning as the Secretary of the Trust Board as well as the College Committee. The 1st respondent had approved the appointment of the petitioner as the Secretary of the Trust Board as well as the College Committee for a period from 10.11.2021 to 09.11.2024 by proceedings in O.Mu.No.15995/G2/2019 dated Nil.12.2021 as signed on 03.12.2021. Thereafter, it is found that the said person one Thiru.O.A.A.A.Ap. Annamalai Chettiar, is functioning as a Secretary of the Trust Board of the Seethalakshmi Achi College for Women as well as the College Committee.

7. While being so, the 3rd respondent exceeding his capacity as president violating the mandates of the deed of declaration of the Trust Board has continuously indulged in conducting parallel college committees to which he is not empowered or entitled to and lastly on 26.10.2024, the 3rd respondent flouting his capacity as President in the name of Secretary had



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issued a notice as per Rule 10 of Tamil Nadu Private College Rules (Regulations), 1976, for the purpose of convening the college committee on 10.11.2024.

8. The learned counsels for the petitioner categorically contended that such an exercise is *per se* illegal and the 1st respondent ought to have taken restrictive action as against the 3rd respondent from indulging in such practices which would affect the fair running of the day to day administration of the college and pressed for allowing the writ petition.

9. Per contra, the learned Government Advocate Mr.Amjad Khan, submitted that the writ petition is premature for the reason that the same has been filed seeking to direct the 1st respondent not to consider the college committee which is convened by the 3rd respondent which is scheduled to be held on 10.11.2024. He fairly pointed out that the term of the petitioner as Secretary of the Trust Board as well as the College Committee expires on 09.11.2024. Unless and until a new committee is elected afresh and proper proposal is submitted before the 1st respondent, the internal disputes of the current management of the committee cannot be unnecessarily interfered by the 1st respondent until a proper representation is received from the college



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from any of the members of the executive committee or office bearers and on that basis, pressed for dismissal of the writ petition.

10. However, considering the integrity of the college and the future of the students studying there at, this Court is of the considered view that the 1st respondent should interfere with the improper activities of the college committee members as contended by the petitioners, if any, which is prevailing.

11. In view of the same, giving liberty to the petitioners to make a representation to the respondents 1 and 2 in this regard with immediate effect, the 2nd respondent herein is directed to conduct an enquiry immediately as to the allegations which has been elaborated in these writ petitions by the petitioners within 08.11.2024 and prevent if any meeting is likely to be convened by the 3rd respondent flouting the Rules of the Trust Board as well as the Tamil Nadu Private College Rules (Regulations), 1976. It is made clear that at the time of conducting an enquiry proper opportunity may be given to the 3rd respondent in W.P.(MD)No.26509 of 2024 and the respondents 3 to 7 in W.P.(MD)No.26510 of 2024.



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12. In view of the above, these Writ Petitions are disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

05.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

Note: Issue order copy on 05.11.2024.

To

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L.VICTORIA GOWRI, J.

Sml

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