



W.P.Nos.33084 & 33087 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.09.2025

PRONOUNCED ON : 18.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.33084 & 33087 of 2025

and W.M.P.Nos.37145, 37148, 37150 & 37154 of 2025

A.Balasubramania Vandayar

... Petitioner in both
W.Ps.

Vs.

1. The Commissioner of Collegiate Education,
Chennai – 15.

2. The Regional Joint Director of Collegiate Education,
Thanjavur Region,
Tamil Nadu.

3. The Principal Secretary,
Department of Higher Education,
Secretariat,
Chennai – 600 005.

.... Respondents 1 to 3 in
both W.Ps.

4. T.Krishnasamy Vandayar

... 4th Respondent in W.P.
No.33084 of 2025

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the first respondent pertaining to order dated 20.08.2025 bearing E.File No.4709-F3-2025 and quash the same.



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In both W.Ps

For Petitioner : Mr.Srinath Sridevan, Senior Counsel
For Mr.Surya Teja SS Nalla
For Respondents
For R1 to R3 : Mr.S.Arumugam
Government Advocate
For R4 in W.P. : Mr.AR.L.Sundaresan, Senior Counsel
No.33084 of 2025 For Mr.L.Palanimuthu

COMMON ORDER

The Writ Petition in W.P.No.33804 of 2025 has been filed challenging the order dated 20.08.2025, passed by the first respondent, thereby approving the appointment of the fourth respondent as the new Secretary of A.V.V.M. Sri Pushpam College, Poondi (hereinafter referred to as “the College”).

2. The Writ Petition in W.P.No.33807 of 2025 has been filed challenging the order dated 20.08.2025, passed by the first respondent, thereby rejecting the proposal of the petitioner to approve his appointment as the new Secretary of the College.

3. Both the Writ Petitions have been filed challenging the same order, and therefore, this Court is inclined to pass a common order in both the Writ Petitions.

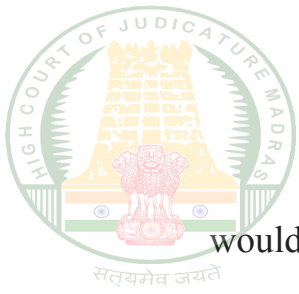


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WEB COPY 4. One Veeraiya Vandayar and his brother Krishnaswamy

Vandayar endowed vast extents of land to a trust for the establishment and administration of a college in the name of A.V.V.M. Sri Pushpam College. A deed of declaration of trust was executed on 19.01.1956 through a registered deed. Accordingly, the educational institution was established and affiliated to the Madras University. The college management committee would comprise six persons, who constituted the Trust Board. The college management committee consisted of Veeraiya Vandayar and Krishnaswamy Vandayar, and two sons of Veeraiya Vandayar, namely Appavu Vandayar and Appaswamy Vandayar, and two sons of Krishnaswamy Vandayar, namely Thulasiah Vandayar and Ayyaroo Vandayar.

5. As per the trust deed, the college management committee would be headed by a lifetime President and would be administered by a lifetime Secretary. The office of the trusteeship would be hereditary, and upon a trustee's death, his office would devolve upon his male heir, and where there were more than one male heir, that group would nominate one amongst themselves to be a trustee. It also stipulates that each trustee



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would have one vote, and decisions would be by simple majority, with the President having a casting vote in the event of a tie.

6. Further, as per the trust deed in respect of the management of the college, Section 12 of the Tamil Nadu Private Colleges Regulations Act, 1976 (hereinafter referred to as “the PCR Act”) contemplates the appointment of the Secretary of the college committee. The Secretary of the Trust would, therefore, be the Secretary as per the PCR Act. Rule 9 of the Tamil Nadu Private Colleges Regulations Rules, 1976 (hereinafter referred to as “the PCR Rules”) states that an intimation is to be sent to the Collegiate Department authorities of the appointment of the Secretary. Rule 9(2) of the PCR Rules states that the term of the Secretary would ordinarily be three years, and that any change of Secretary requires the approval of the department.

7. Accordingly, the petitioner was appointed as the Secretary to the college management committee, and the same was duly intimated to the second respondent, as contemplated under Rule 9 of the PCR Rules. After completion of his tenure, the Trust Board was reconstituted by including two outsiders, namely the Principal of A.V.V.M. Sri Pushpam



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College and the Principal of National College, Trichy. The petitioner, by notice dated 22.05.2025, called for a meeting of the members to be held on 29.05.2025 for the selection of secretaryship.

8. However, the fourth respondent did not attend the meeting, and the other four members attended the meeting. The petitioner was unanimously elected as the Secretary of the college management committee by securing four votes, and accordingly, a resolution was passed on 29.05.2025. It was intimated along with Form VI to the second respondent on 30.05.2025. Even then, the first respondent sought further clarification by letter dated 06.06.2025, and the same was received by the petitioner on 12.06.2025.

9. While being so, the petitioner received a notice dated 07.06.2025 from the fourth respondent, viz., T.Krishnasamy Vandayar, seeking to convene a meeting for the selection of a new President, Secretary, and Correspondent. On receipt of the same, the petitioner also issued a reply, raising objections that the re-nomination of the Secretary was duly completed as early as on 29.05.2025 with the requisite majority. But on 14.06.2025, the fourth respondent and another trustee passed a



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resolution to elect the fourth respondent himself as the Secretary to the Collegiate Authorities, without proper notice and requisite quorum for convening the meeting. The fourth respondent also cast a second vote in his favour for being appointed as the Secretary of the College Management Committee.

10. Even though no occasion for exercising the power of casting vote arose during the said meeting, as there were only two members who voted in favour of the resolution proposed by the fourth respondent, he voluntarily casted his casting vote in his own favour, therefore, the meeting was not convened in accordance with the terms of the Trust Deed and Rule 10(3)(b) of the PCR Rules. Therefore, the petitioner submitted a representation dated 14.07.2025 to take appropriate action pertaining to the resolution dated 29.05.2025 passed by the College Management Committee, thereby nominating the petitioner as the Secretary. However, when it was not considered, the petitioner was constrained to file a Writ Petition in W.P.No.30832 of 2025 before this Court. This Court, by order dated 14.07.2025, directed the first respondent to consider the representation submitted by the petitioner and pass orders. In view of the direction issued by this Court, the first



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respondent passed the orders impugned in both the writ petitions dated 20.08.2025, thereby accepting the resolution submitted by the fourth respondent and approving the appointment of the fourth respondent as the Secretary to the College Management Committee, and rejecting the proposal of the petitioner to approve his appointment as the new Secretary of the College.

11. On perusal of the counter-affidavit filed by the fourth respondent in W.P.No.33084 of 2025, and the submission made by the learned Senior Counsel appearing for the fourth respondent, it is revealed that the petitioner was selected as the Secretary of the Managing Committee of the Trust and the Managing Committee of the College in the year 2021, and it was duly approved till 13.06.2025. Therefore, the petitioner issued a notice to the Trust Board members dated 22.05.2025, calling for a meeting to be held on 29.05.2025 for passing a resolution to select the Secretary to the College Management Committee.

12. As per the resolution dated 29.05.2025, the petitioner was re-elected as the Secretary to the College Management Committee and informed the first respondent for approval. Thereafter, the fourth



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respondent also issued a notice dated 07.06.2025 to convene a meeting for the purpose of selection of a new President, Secretary, and Correspondent of the College Management Committee. The fourth respondent and another trustee, viz., one Dhanasekaran Vandayar, alone were present in the meeting, and they elected the fourth respondent as the Secretary to the College Management Committee and submitted the resolution to the first respondent for approval.

13. According to the fourth respondent, the strength of the Trust Board Committee is only four, and the meeting was attended by two persons, which is sufficient quorum for passing the resolution. Two persons attended the meeting and voted in favour of the fourth respondent. That apart, the fourth respondent had cast a casting vote in his favour. But the need for casting vote did not arise during the meeting, as there were only two persons who voted in favour of the resolution, and there was no position of tie to cast a casting vote. However, the fourth respondent had cast his casting vote, and that too in his own favour, to elect himself as the Secretary.

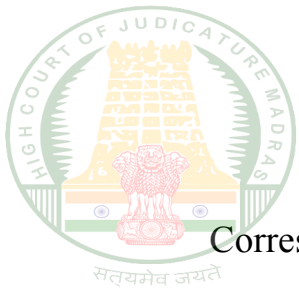


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14. On the other hand, the fourth respondent also disputed that he was not served with notice for the meeting convened by the petitioner for the selection of the Secretary for the College Management Committee by the notice dated 22.05.2025. Though the petitioner produced the acknowledgement before this Court, the signature found in the acknowledgement was not that of the fourth respondent and was disputed by the fourth respondent. The address in the notice was also wrongly mentioned by the petitioner in the notice dated 22.05.2025.

15. It is also seen that there is a dispute between the petitioner and the fourth respondent in respect of their right over the Board of the Trust and also the College Management Committee. In the overall circumstances, this Court is inclined to quash the impugned orders passed by the first respondent and it is directed to conduct of a fresh meeting.

16. In view of the above, the impugned orders dated 20.08.2025 are hereby quashed. The fourth respondent, along with other members of the Trust Board, are directed to convene a fresh meeting to elect the post of President, Secretary of the College Management Committee, and



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Correspondent to the College, after serving notice to all the Board members, within a period of four weeks from the date of receipt of a copy of this order, and pass a resolution. Thereafter, a copy of the resolution shall be forwarded to the first respondent for approval of appointment to the post of Secretary of the College Management Committee. It is made clear that if there is any dispute in respect of the right over the Board of Trustees and the College Management Committee, the petitioner and the fourth respondent are directed to approach the Civil Court for appropriate relief.

17. In the result, these Writ Petitions are allowed as indicated above. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

18.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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Today, the matters are posted before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the respondents.

2. The learned Senior Counsel appearing for the fourth respondent submitted that this Court by an order dated 18.09.2025, while allowing the writ petition, directed the fourth respondent along with other members of the Trust Board to convene a fresh meeting to elect the President, Secretary of the College Management Committee, within a period of four weeks. He further submitted that till such time, the interim order of status-quo passed by this Court Court dated 04.09.2025, may be continued. Hence he prayed for necessary directions.

3. Considering the above submissions, the following lines are included at the end of the paragraph No.16 in the order dated 18.09.2025, passed in W.P.Nos.33084 & 33087 of 2025:-

“Till then, both the parties are directed to maintain status-quo with regard to the payment of salary by operating the bank accounts by the fourth



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respondent alone.”

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4. Registry is directed to carry out the necessary corrections in the order dated 18.09.2025 in W.P.Nos.33084 & 33087 of 2025 and issue order copy a fresh.

22.09.2025

rts

To

1. The Commissioner of Collegiate Education,
Chennai – 15.
2. The Regional Joint Director of Collegiate Education,
Thanjavur Region,
Tamil Nadu.
3. The Principal Secretary,
Department of Higher Education,
Secretariat,
Chennai – 600 005



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G.K.ILANTHIRAIYAN. J.

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order made in
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