



W.P.(MD)No.28669 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.28669 of 2024

Maj.Dr.K.R.Ajeendra Nath

: Petitioner

Vs.

1. The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Chennai.

2. The Director of Collegiate Education,
O/o.The Directorate of Collegiate Education,
DPI Campus, College Road,
Chennai - 6.

3. The Joint Director of Collegiate Education,
O/o.Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District.

4. The Secretary,
S.T.Hindu College, Nagercoil,
Kanyakumari District.

5. A.Nagarajan
The Secretary,
S.T.Hindu College,
Nagercoil, Kanyakumari District.



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6. The Principal,
S.T.Hindu College,
Nagercoil, Kanyakumari District.

7. T.M.Padmanabhan,
The Principal,
S.T.Hindu College,
Nagercoil, Kanyakumari District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to grant permission to take appropriate action against the 4th to 7th respondents for collecting excess fees and other charges from the college students and also minting money through college using the official capacity as colleges secretary and principal under Section 30, 43 and 44 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 by considering the representation of the petitioner dated 28.02.2024 within a time stipulated.

For Petitioners : Mr. K.P. Krishna Doss

For Respondents : Mr.V.Om Prakash

Government Advocate for R1 to R3

Mr.V.Panneerselvam for R4 to R7



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ORDER

The petitioner has filed this Writ Petition seeking a mandamus to the respondents 1 and 2 to grant permission to take appropriate action against the respondents 4 to 7, for collecting excess fees and other charges from the college students and also minting money through college using the official capacity as college secretary and principal under Sections 30, 43 and 44 of the Tamil Nadu Private Colleges (Regulation) Act, 1976, by considering the representation of the petitioner dated 28.02.2024.

2. On perusing the affidavit filed in support of this petition, it is observed that the petitioner, who is employed at the fourth respondent college, has raised various allegations regarding the alleged irregularities committed by the management/respondents 5 to 7, who are the Secretary and the Principal of the said college. In this regard, the petitioner submitted a representation dated 28.02.2024. However, since no action has been taken, the petitioner has now filed the present Writ Petition.



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3. Heard both sides.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents 1 and 2 to consider the petitioner's representation dated 28.02.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed



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any of its views with regard to the merits of the matter and that it is open to the fourth respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

18.02.2025

Index : Yes / No

Internet : Yes / No

PKN

To

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VIVEK KUMAR SINGH, J.

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