

(2004) 08 MAD CK 0005

In the Madras High Court

Case No : Writ Petition No. 1232 of 2000 and W.P.M.P. No's. 1798 and 1799 of 2000

G. Rathinakumar, Director of Physical Education (Selection Grade), T.U. Karanthai Arts College

APPELLANT

Vs

The Director of Collegiate Education, The Regional Joint Director of Collegiate Education and The Secretary, Thamizhvel Umamaheswaranar Karanthai Arts College

RESPONDENT

Date of Decision : 09-08-2004

Acts Referred:

Tamil Nadu Private Colleges (Regulation) Act, 1976 — Section 11

Citation : (2004) 08 MAD CK 0005

Hon'ble Judges : A.K. Rajan, J

Bench : Single Bench

Advocate : P. Jyothimani, for the Appellant; V. Velumani, AGP for respondents 1 and 2 and V.K. Vijayaraghavan, for 3rd respondent, for the Respondent

Final Decision : Dismissed

Judgement

A.K. Rajan, J.—This writ petition has been filed by the petitioner praying to issue a writ of Certiorarified Mandamus calling for the

impugned order of the first respondent in Mu.Mu. No. 59485/02/99, dated 7.12.1999 and the consequential communication of the 3rd

respondent in G. Managing Committee of College/99/A1/Member, dated 18.12.1999 and to quash the same and direct the respondents to

nominate the petitioner being the senior most selection grade lecturer in the 3rd respondent college as a member of the college committee as per

the provisions of the Tamilnadu Private Colleges (Regulation) Act 1976 as amended by Act 16 of 1998).

2. Heard the learned counsel for the petitioner as well as the respondents.

3. The brief facts of the case is that the petitioner has joined as a Director of Physical Education in the third respondent college on 5.3.1983 and he

is serving in the third respondent college continuously for the past 17 years without any blemish on record. The petitioner is a Selection Grade

Teacher and he is the senior most person in the third respondent college. The third respondent college being a private college governed by the Act

also has a college committee as per the requirement. Previously, Mr. A. Balan, Lecturer in Tamil (selection grade) was a member of the college

committee. On his retirement there is a vacancy in the college committee and the petitioner being a senior most selection grade teacher, he is

eligible and entitled to be nominated as a member of the third respondent college committee. The petitioner by a letter dated 24.8.1999 addressed

to the third respondent requesting to nominate him as a member of the college committee. The third respondent referred the matter to the first

respondent and the first respondent in turn by a communication dated 7.12.1999 has clarified that as per Section 11(b) and (c) of the Tamil Nadu

Private Colleges (Regulation) Act 1976 as amended by Act 16 of 1998) Selection Grade Lecturers and Professors alone are eligible to nominate

as Member of the college committee, the Physical Director and Librarian are not eligible to be nominated as member of the college committee even

though they are senior most in that college. Based on the said communication, the third respondent by the impugned order dated 18.12.1999 has

rejected the claim of the petitioner. Hence this writ petition.

4. There is nothing wrong in the order of the third respondent in rejecting the claim of the petitioner in view of the position of law as laid down in

Section 11(b) and (c) of the Tamil Nadu Private Colleges (Regulation) Act 1976 as amended by Act 16 of 1998). There is no merit in this writ

petition and it becomes only liable to be dismissed and is dismissed accordingly. However, in the circumstances of the case, there shall be no order

as to costs. Consequently, W.P.M.P. Nos. 1798 and 1799 of 2000 are also dismissed.