

W.P.(MD)Nos.27101, 27102, 28931 and 28932 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 30.01.2025

Delivered On : 28.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)Nos.27101, 27102, 28931 and 28932 of 2024

and

W.M.P.(MD)Nos.23005 and 24514 of 2024

W.P.(MD)No.27101 of 2024:-

- 1.Dr.S.Padmini,
Principal in Charge and Associate Professor (Chemistry),
Ex-Officio Trustee and College Committee Member,
Seethalakshmi Achi College For Women,
Karaikudi – Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630107.
- 2.Dr.A.Rukmani,
Associate Professor (Chemistry),
First Senior Faculty,
College Committee Member,
Seethalakshmi Achi College For Women,
Karaikudi - Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630107.
- 3.Dr.R.Ananthaselvi,
Associate Professor (Zoology),
Second Senior Faculty
College Committee Member,
Seethalakshmi Achi College For Women,
Karaikudi - Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630107.
- 4.S.Deivanai,
Office Superintendent,
College Committee Member,
Seethalakshmi Achi College For Women,



W.P.(MD)Nos.27101, 27102, 28931 and 28932 of 2024

Karaikudi - Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630107.

... Petitioners

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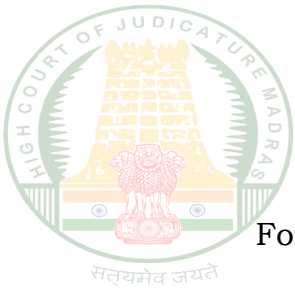
Vs.

- 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.Saradhal Alagappan,
President, College Committee,
Seethalakshmi Achi College For Women,
Karaikudi-Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630 107
- 4.Seethalakshmi Achi College for Women,
Represented by its Secretary, College Committee,
Thiru.O.A.A.A.Ap.Annamalai Chettiar,
Karaikudi-Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630107.
- 5.Registrar,
Alagappa University,
Alagappa Nagar, Karaikudi
- 6.A.P.V.Sundaram
(R6 is impleaded vide Court order
dated 02.01.2025 in W.M.P.(MD)No.25463 of 2024
in W.P.(MD)No.27101 of 2024 by LVGJ)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to approve the renewal proposal dated 04.10.2024 read with 02.11.2024.

For Petitioner : Ms.A.N.Meenakshi
For Respondents 1 & 2 : Mr.T.Amjad Khan,
Government Advocate
For 5th Respondent : Mr.T.Cibi Chakraborty



W.P.(MD)Nos.27101, 27102, 28931 and 28932 of 2024

For 6th Respondent : Mr.B.Saravanan, Senior Counsel
For M/s.Saravanan Associates
For Respondents 3 & 4 : No Appearance

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W.P.(MD)No.27102 of 2024:-

Seethalakshmi Achi College for Women,
Represented by its Secretary,
Thiru.O.A.A.Ap. Annamalai Chettiar,
Karaikudi-Trichy Road, Pallathur,
Sivangangi, Tamil Nadu 630107.

... 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.A.P.V.Sundaram
(R3 is impleaded vide Court order
dated 02.01.2025 in W.M.P.(MD)No.25466 of 2024
in W.P.(MD)No.27102 of 2024 by LVGJ)

... Respondents

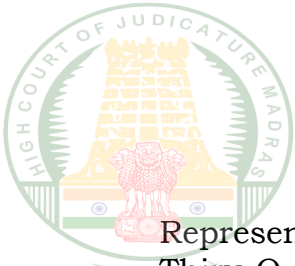
PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to approve the renewal proposal dated 04.10.2024 read with 02.11.2024.

For Petitioner : Mr.Mohamed Ashik Jaman
For Respondents 1 & 2 : Mr.T.Amjad Khan,
Government Advocate
For 3rd Respondent : Mr.B.Saravanan, Senior Counsel
For M/s.Saravanan Associates

W.P.(MD)No.28931 of 2024:-

Seethalakshmi Achi College for Women,

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Represented by its Secretary,
Thiru.O.A.A.A.Ap. Annamalai Chettiar,
Karaikudi-Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630107.

... 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.A.P.V.Sundaram
(R3 is impleaded vide Court order
dated 02.01.2025 in W.M.P.(MD)No.25460 of 2024
in W.P.(MD)No.28931 of 2024)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to not consider the unlawful meeting dated 12.06.2023 and any other College Committee Meeting convened by any other person (not being the approved Secretary) during the petitioner's tenure of Secretaryship which is violative of Sections 11 and 13 read with Rules 8 and 10 of the Tamil Nadu Private Colleges (Regulation) Act & Rules 1976, applying the judgment dated 05.11.2024 in W.P.(MD)Nos.26509 and 26510 of 2024.

For Petitioner	: Ms.A.N.Meenakshi
For Respondents 1 & 2	: Mr.T.Amjad Khan, Government Advocate
For 6 th Respondent	: Mr.B.Saravanan, Senior Counsel For M/s.Saravanan Associates

W.P.(MD)No.28932 of 2024:-

1.Dr.S.Padmini,
Principal in Charge and Associate Professor (Chemistry),

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W.P.(MD)Nos.27101, 27102, 28931 and 28932 of 2024

Ex-Officio Trustee and College Committee Member,
Seethalakshmi Achi College For Women,
Karaikudi – Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630107.

2.Dr.A.Rukmani,
Associate Professor (Chemistry),
First Senior Faculty,
College Committee Member,
Seethalakshmi Achi College For Women,
Karaikudi-Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630107.

3.Dr.R.Ananthaselvi,
Associate Professor (Zoology),
Second Senior Faculty
College Committee Member,
Seethalakshmi Achi College For Women,
Karaikudi-Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630107.

4.S.Deivanai,
Office Superintendent,
College Committee Member,
Seethalakshmi Achi College For Women,
Karaikudi-Trichy Road, Pallathur,
Sivagangai, Tamil Nadu 630107.

... Petitioners

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.A.P.V.Sundaram
(R3 is impleaded vide Court order
dated 02.01.2025 in W.M.P.(MD)No.25459 of 2024
in W.P.(MD)No.28932 of 2024)

... Respondents



W.P.(MD)Nos.27101, 27102, 28931 and 28932 of 2024

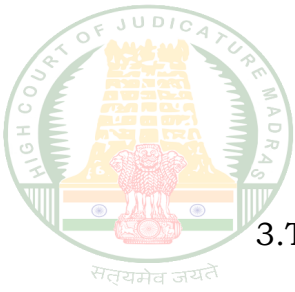
PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to not consider the unlawful meeting dated 12.06.2023 and any other College Committee Meeting convened by any other person (not being the approved Secretary) during the petitioner's tenure of Secretaryship, which is violative of Sections 11 and 13 read with Rules 8 and 10 of the Tamil Nadu Private Colleges (Regulation) Act & Rules 1976, applying the judgment dated 05.11.2024 in W.P.(MD)Nos.26509 and 26510 of 2024.

For Petitioner : Mr.Mohamed Ashik Jaman
For Respondents 1 & 2 : Mr.T.Amjad Khan,
Government Advocate
For 3rd Respondent : Mr.B.Saravanan, Senior Counsel
For M/s.Saravanan Associates

COMMON ORDER

Two Writ Petitions in W.P.(MD)Nos.27101 and 27102 of 2024 are filed, seeking to direct the first respondent to approve the renewal proposal dated 04.10.2024 read with 02.11.2024 and pass appropriate orders.

2.Another two Writ Petitions in W.P.(MD)Nos.28931 of 2024 and 28932 of 2024 are filed, seeking to direct the respondents not to consider the meeting dated 12.06.2023 and any other college committee meeting convened by any other person (not being the approved Secretary) during the petitioner's tenure of secretaryship, which is violative of Sections 11 and 13 read with Rules 8 and 10 of the Tamil Nadu Private Colleges (Regulation) Acts and Rules, 1976, applying the judgment dated 05.11.2024 in W.P. (MD)Nos.26509 and 26510 of 2024.



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3.The first petitioner in W.P.(MD)Nos.27101 of 2024 and 28932 of 2024 is one Dr.S.Padmini, who is the Principal in-charge and Associate Professor (chemistry), Ex-officio trustee and College Committee Member, Seethalakshmi Achi College for Women, Karaikudi-Trichy Road, Pallathur, Sivagangai, Tamil Nadu. The writ petitioner in W.P.(MD)Nos.27102 of 2024 and 28931 of 2024 is one O.A.A.Ap.Annamalai Chettiyar, representing Seethalakshmi Achi College for Women as the Secretary of the college committee.

4.The factual matrix of W.P.(MD)Nos.27101 and 27102 of 2024 are one and the same. Likewise, the factual matrix of W.P.(MD)Nos.28931 and 28932 of 2024 are one and the same. The fourth respondent college is an aided college established by a registered trust deed dated 02.03.1996, (hereinafter to be called as trust deed). The fourth respondent college being a public charitable trust has two bodies, one is the trust board/educational agency and the other is the college committee. The Principal in-charge is an ex-officio member of the trust board/educational agency by virtue of the trust deed.

5.Every aided college has a college committee constituted under Section 11 read with Rule 8 of the Tamil Nadu Private Colleges (regulation) Act and Rules, 1976, (hereinafter to be mentioned as Act and Rules). The petitioners in W.P.(MD)No.27101 of 2024 are the members of the college



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committee constituted under the Act and Rules. The petitioner in W.P. (MD)No.27102 of 2024 is the Secretary of the trust board/educational agency by virtue of the trust deed. The formal approval of his secretaryship was granted by the first respondent approval order dated 06.12.2021, for the period from 10.11.2021 to 09.11.2024. The trust is governed by the deed of declaration of trust dated 02.03.1966, registered as document No.19 of 1966 in the office of Karakudi Sub Registry. The demise of the erstwhile Secretary on 24.10.2021, led to the circumstances for Thiru.O.A.A.A.Ap.Annamalai Chettiar to hold the office of Secretary of the trust and committee by virtue of trust deed, which clearly carves out the mode of devolution of the offices of Correspondence/Secretary of college and Secretary of the trust. Clauses 9, 11 and 12 of the trust deed deals with the said devolution and Clauses 9, 11 and 12 are 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 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 devolution of the office of President of the Trust Board and Correspondent of the College from



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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.”

6.In terms of the legal heir certificate dated 07.06.2021, since Thiru.O.A.A.A.Ap.Annamalai Chettiar is the second senior most male descendant of the founders family serving as trustee, he was conferred with the right to hold the office of Secretary of trust and college as per the trust deed. The first respondent officially approved his appointment as Secretary of the college vide approval letter in O.M.No.15995/G2/2019 dated 09.12.2021, for the period from 10.11.2021 to 09.11.2024.

7.The claim of Thiru.O.A.A.A.Ap.Annamalai Chettiyar is that, as per the trust deed, his secretaryship for the Trust Board and college is for life and for the purpose of Section 12 read with Rule 9 of the Private Colleges (Regulation) Act and Rules, 1976, and his term is to be renewed once in every 3 years, after 09.11.2024. He further claimed that, Rule 9 states that the educational agency, that is, the trust, will nominate a Secretary to the college committee, the educational agency is without a doubt governed by the trust deed and owes its existence to the trust deed. Thus, the trust deed, which categorically fixes the post of Correspondent of the college will have to be complied with by all the trustees and even if all the trustees act together,



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they cannot violate the stipulations of the trust deed and thus, the mode of nomination as fixed by the trust deed, requires no resolution.

7.1. On 04.10.2024, for the purpose of Rule 9, Thiru.O.A.A.A.Ap.Annamalai Chettiar, had sent a proposal to the first respondent to renew his secretaryship from 09.11.2024. Since there was no response from them, he again issued a proposal letter on 02.11.2024 along with the trust board meeting dated 21.10.2024 and college committee meeting dated 29.10.2024. He had also recorded his objections as to several meetings convened by other trustees, namely, Thiru.A.P.V.Sundaram and Thiru.A.P.Muthu Adaikappan, as unlawful meetings. Since no action was taken to record such violations of the trust deed, Thiru.Annamalai Chettiar, filed W.P.(MD)Nos.26509 and 26510 of 2024 before this Court and this Court was pleased to dispose of those Writ Petitions, by a common order dated 05.10.2024 and the relevant portion of the same is extracted as follows:-

“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 second respondent is directed to conduct an enquiry immediately as to the allegations which has been elaborated in these petitions by the petitioners within 08.11.2024 and prevent if any meeting is likely to be convened by the third 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 third



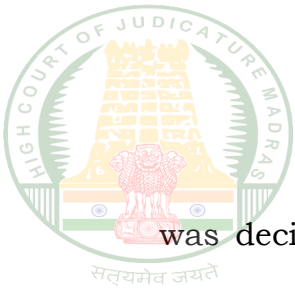
W.P.(MD)Nos.27101, 27102, 28931 and 28932 of 2024

*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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8.Pursuant to the said common order, the second respondent conducted an enquiry on 07.11.2024 and the committee meeting convened by Thiru.Muthu Adaikappan, was prevented by the second respondents by his proceedings in Na.Ka.No.11231/A1/2024 dated 08.11.2024. Be that as it may, the claim of the rival party, that is, Thiru.A.P.V.Sundaram, is that his great grandfather was the founder of the college, which was started in the year 1962. His father held the post of Secretary of the college until he passed away on 24.05.2021. Thereafter, their mother Smt.A.P.Visalatshi Achi, was made a Secretary of the college by nominating her from the educational agency/trust board and her secretaryship was also approved by the competent authority. While being so, their mother passed away on 24.10.2021, which necessitated to nominate Thiru.Annamalai Chettiar as Secretary of the college committee and the same was approved by the competent authority for a period of 3 years commencing from 10.11.2021 and his tenure ended on 09.11.2024.

9.It is the contention of the rival party Thiru.A.P.V.Sundaram that, under such circumstances, the activities of the incumbent Secretary of the college Thiru.O.A.A.A.Ap.Annamalai Chettiar was contrary to the object of the trust and a trust board meeting was convened on 25.05.2023, wherein it

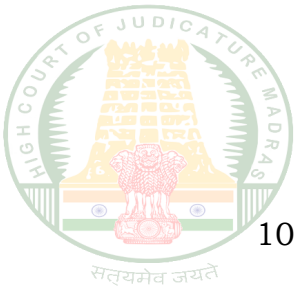


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was decided to remove Thiru.Annamalai from the post of Secretary of the college committee and nominate Thiru.A.P.V.Sundaram, who is none other than the younger brother of Thiru.Annamalai as Secretary of the college. A decision was arrived at and the same was produced in Form 6 as required under Rule 9(2) of the Tamil Nadu Private College (Regulation) Rules, 1976. Later, on a college committee meeting was conducted on 12.06.2023, at the Collegiate, it was resolved to remove the incumbent Secretary Thiru.Annamalai from the post of the Secretary and to induct Thiru.A.P.V.Sundaram in the said post.

9.1. The resolution was passed in the trust board as well as the resolution in college committee was forwarded to the competent authority for approval. Thereafter, Thiru.A.P.V.Sundaram, filed W.P.(MD)No.25228 of 2023 before this Court, seeking to direct the first respondent to appoint Thiru.A.P.V.Sundaram, as the Secretary of the Seethalakshmi Achi Women's College, by considering the Form 6 submitted by him and this Court was pleased to dispose of the same by order dated 18.10.2023 as follows:-

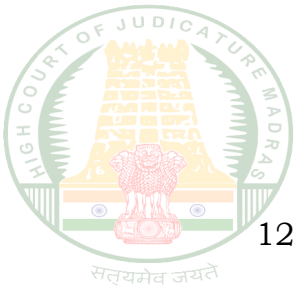
“4.Considering the above said facts, the first respondent is directed to consider the said Form 6 submitted by the writ petitioner on merits and in accordance with law, after giving due opportunity to the writ petitioner as well as his rival claimant, namely, Thiru.Annamalai. The said exercise shall be completed within a period of 8 weeks from the date of receipt of copy of this order.”



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10.Subsequently, Thiru.Annamalai, in the capacity of Secretary of Seethalakshmi Achi College for Women filed another petition in W.P.(MD)No. 3854 of 2024, seeking to challenge the proceedings submitted by the fourth respondent therein on the file of the first respondent therein and seeking approval for the unlawful change of Secretaryship of college committee along with enclosures dated 12.06.2023, that violate Sections 11, 12, 13 and 14 read with Rules 8 and 10 of the Private Colleges (Regulation) Act and Rules, 1976. This Court was pleased to dispose of the same, by its order dated 05.04.2024, directing the authorities to pass orders as directed by this Court in W.P.(MD)No.25228 of 2023 dated 18.12.2023, after affording due opportunity to all the parties concerned. Accordingly, an enquiry was conducted on 13.11.2024.

11.The learned counsels appearing for Seethalakshmi Achi College for Women, represented by its Secretary, Thiru.Annamalai Chettiar, and Dr.S.Padmini, the Principal in-Charge of the said college reiterated the contentions set forth in the affidavit of the Writ Petitions and the learned Senior Counsel pressed for dismissal of the Writ Petitions reiterating the contentions raised in the impleading Petitions in W.M.P.(MD)Nos.25459, 25460, 25463 of 2024 and 25466 of 2024. This Court allowed the impleading petitions, by order dated 02.01.2025 and A.P.V. Sundaram as newly impleaded respondent in all the Writ Petitions.



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12. Apart from these two Writ Petitions, Thiru.O.A.A.A.Ap.Annamalai Chettiar filed yet another Writ Petition in W.P.(MD)No.28931 of 2024 and the another Writ Petition similar in tone and tenor has been filed by the Principal as well in W.P.(MD)No.28932 of 2024. In the aforesaid Writ Petitions reiterating the contentions raised in W.P.(MD)Nos.27101 and 27102 of 2024 as elaborated supra, it was claimed by Thiru.Annamalai that, Thiru.A.P.V.Sundaram is continuing to conduct several unlawful meetings violating the terms of the trust deed as well as the provisions of the Private Colleges (Regulation) Act and Rules, and one of such meeting was held on 12.06.2023 and hence, required this Court to direct the respondents not to consider any meeting conducted by the rival faction other than the person, who is an approved secretary including the meeting dated 12.06.2023.

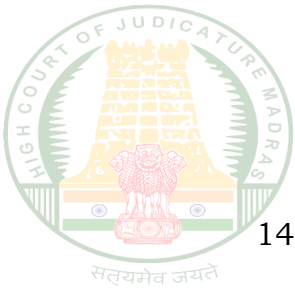
13. The learned Government Advocate, Mr.T.Amjad Khan, appearing for the first and second respondents, placed before me the proceedings of the Commissioner of the Directorate of College Education in Mu.Mu.No. 15995/G2/2019 dated 12.12.2024. In the said order, citing the order passed by this Court in W.P.(MD)No.25228 of 2023 dated 18.10.2023, it is recorded that, on the basis of the aforesaid order passed by this Court, the Commissioner of College Education conducted an enquiry at the college office on 13.11.2024, in which both the rival factions, that is, both the brothers, namely, Thiru.O.A.A.A.Ap.Annamalai and Thiru.A.P.V.Sundaram, along with the Joint Director of College Education, Regional Joint



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Directorate of College Education, at Madurai, participated and submitted their respective explanations. Further, the Joint Director on perusal of the submissions made by Thiru.Annamalai and Thiru.Sundaram, had submitted his report in Na.Ka.No.10052/Aa1/2024 dated 13.11.2024 and all those documents are carefully perused.

13.1. The right of being nominated as Secretary to the said college has been claimed by all the rival factions from all the three legal heirs of the same family, namely, Thiru.A.P.Muthu Adaikappan, Thiru.O.A.A.A.Ap.Annamalai, and Thiru.A.P.V.Sundaram. On recording the factum that completely contrary resolutions have been resolved in the matter of appointment of Secretary to the Seethalakshmi Aachi College for Women, by all three different factions as resolved on 25.05.2023 and 21.10.2023 and has been forwarded before the appropriate authorities for approval, the educational agency is required to inform a clear cut proposal as to which faction should be appointed as Secretary to the aforesaid college. Further the pendency of trust O.P.No.72 of 2024 on the file of the Principal District Judge, at Sivagangai, which was filed by Thiru.O.A.A.A.Ap.Annamalai, was also recorded and further for considering the welfare of the teaching staff and non-teaching staffs as well as the students, the college has been brought under direct payment by the aforesaid proceedings in exercise of the powers conferred under G.O.Ms.No. 1023, College Education, dated 02.09.1985.



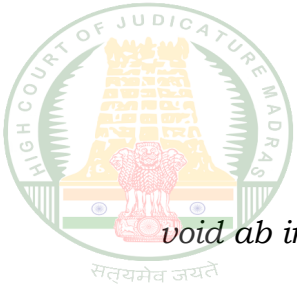
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14. Heard the learned counsels on either side and carefully perused the materials available in the record.

15. This Court carefully perused the aforesaid proceedings of the Commissioner of College Education dated 12.12.2024 and considering the fact that the college has already been brought under direct payment by the Department of Collegiate Education and the fact that already a trust O.P. in this regard with respect to the prevailing dispute between all three rival factions Thiru. Annamalai, and Thiru. Sundaram including the other brother Thiru. Muthu Adaikappan, is pending before the learned Principal District Court, Sivagangai, in Trust O.P.No.72 of 2024. The parties are respectively directed to adjudicate their grievances before the learned Principal District Judge, Sivagangai, in Trust O.P.No.72 of 2024.

16. However it is pertinent to mention here that, removal of a trustee cannot be done by way of resolutions resolved in the so called meetings conducted by the rival faction/the impleaded respondents herein. More particularly appointment and removal of a trustee can be done only in terms of the Trust Deed. It is the considered view of this Court that, the various meetings conducted and resolutions resolved therein by the impleaded respondent and other trustees will not defeat the petitioner/Secretary's right, since the same is protected under the Trust Deed. Any resolution passed with an intention of violating the terms of the Trust Deed would be

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void ab initio. To ensure the quick dispensation of justice in the instant case, the learned Principal District Judge Court, Sivagangai, is directed to conclude the Trust O.P.No.72 of 2024 within a period of six months from the date of receipt of copy of this order. Both the rival factions under Thiru.Annamalai and Thiru A.P.V.Sundaram are directed to cooperate for the speedy disposal of the aforesaid Trust O.P.

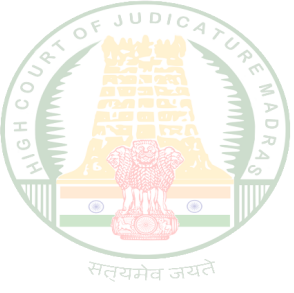
15.Accordingly, the Writ Petitions are disposed of. There shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

28.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

- 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.



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L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)Nos.27101, 27102, 28931 and 28932 of 2024

28.04.2025