



ABSTRACT

Aided Private Colleges – Chikkaiah Naicker College, Erode – Appointment of Special Officer under Section 14 of the Tamil Nadu Private Colleges (Regulation) Act 1976 (President's Act 19 of 1976)-Orders – issued.

HIGHER EDUCATION (D2) DEPARTMENT

G.O.Ms.No.489

Dated: 19.12.2000

Read:

1. 1. From the Director of Collegiate Education letter No.47627/Q5/97 dated 24.3.98
2. 2. Show-Cause Notice in Govt.Lr.No.6764/E1/98-2 dated 1.6.98.
3. 3. From Thiru R. Aswath letter dt.10.8.98
4. 4. From the Inspector General of Registration, Chennai Lr.No. 47133/I1/98-1 dated 20.10.98
5. 5. From the Inspector General of Registration letter No.18627/I1/2000 dt.2.6.2000
6. 6. From the Director of Collegiate Education Lr.No.47627/F2/97 dated 25.8.2000

ORDER:

WHEREAS the Chikkaiah Naicker College Managing Board, Sakthi Veerappan Chathiram, Erode, a Society registered under the Societies Registration Act, 1860 (Central Act XXI of 1860) bearing Reg.No.76/72 and deemed to be registered under the Tamil Nadu Societies Registration Act 1975 Tamil Nadu Act 27 of 1975 has established the Chikkaiah Naicker College at Erode and was administering that college; AND WHEREAS the said college is a “Private College” within the meaning of Clause (8) of Section 2 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 (Presidents Act 19 of 1976 (hereinafter referred to as the “said Act”) and the said Society is the educational agency in relation to the said private college for the purpose of the said Act and whereas the said private college shall be administered by the educational agency in accordance with the provisions of the said Act and the Rules and orders made thereunder.

AND WHEREAS the management of the said private college shall vest with the college Committee constituted under section 11 of the said Act, and the Secretary of the College Committee appointed under Section 12 of the said Act shall function for and on behalf of the College Committee and the educational agency and shall be responsible for the maintenance of proper and accurate accounts and the administration of college funds and shall give effect to the resolution passed by the College Committee at its meetings.

AND WHEREAS it has been brought to the notice of the Director of Collegiate Education and the Government that the said private college hasnot constituted the College Committee in accordance with the provisions of the said Act and the Secretary of the Committee has not exercised his powers and discharged his functions in accordance with the provisions of the said Act and the Rules made there under and the direction of the competent authority under the said Act. As a result, the following lapses and irregularities have taken place:-

1. (a) Scale of pay for the Principal, who is the Head of the institution, has not been fixed so far
2. (b) A petrol bunk was permitted to be established in a portion of the land belonging to the college without permission from competent authority.
3. (c) Non-payment of pension and pensionary benefits to one English Lecturer even after his death.

4. (d) Failure to implement the orders of the Court in respect of payment of salaries and allowances to one Lecturer who was retired from service.
5. (e) Reinstatement of the suspended employee without following Tamil Nadu Private Colleges (Regulation) Act.
6. (f) Failure to submit the list of movable and immovable properties of the college as per rule 17 of the Tamil Nadu private Colleges(Regulation) Rules, 1976.

AND WHEREAS the Director of Collegiate Education in his letter first cited reported that in the absence of proper response from the management of the private college to set right the lapses it has become evident that the management of the educational agency has no interest to run the college in accordance with the provisions of the Tamil Nadu Private Colleges (Regulation) Act.1976 (President's Act 19/76) and it is therefore become necessary to appoint a Special Officer under Section 14-A of the said Act to administer the affairs of the said private college.

AND WHEREAS the Government after examining the report of the Director of Collegiate Education in his letter 2nd cited were satisfied that the management of the said private college has neglected to discharge its duties imposed on it and to perform the functions entrusted to it by or under the said Act and the Rules and order made and direction issued there under and issued a notice to the management of the said private college to show cause as to why action should not be taken under section 14-A of the said Act to appoint a Special Officer to administer the affairs of the said private college . One Thiru R. Aswath,S/o Tr. Rajasekaran erstwhile Secretary of the College Committee of the said private college in his letter 3rd cited informed that his father expired and sought permission from the Government to give reply to the show cause notice issued by the Government claiming himself as the Secretary of the College Committee. His request was not approved by the Director of Collegiate Education as he was not duly appointed as the Secretary of the College Committee in accordance with the provisions of the said Act. Aggrieved by this, Thiru R.Aswath filed a Civil Suit in O.S.No.532 of 1998 in the Court of Subordinate Judge at Erode challenging the show cause notice issued by the Government and the suit is pending. He filed another suit in OS No.533/98 challenging the proceedings of the Regional Joint Director of Collegiate Education , Coimbatore in Na.Ka.No.7688/C4/97 dt.18.9.98, who is the competent authority under the said Act in respect of the said private college, rejecting his claim for Secretary of the College Committee of the said

private college and directing him not to do anything in the alleged capacity as the son of the erstwhile Secretary of the College Committee of the said private college and this suit is also pending.

AND WHEREAS the Inspector General of Registration in his letters 4th and 5th cited and the Director of Collegiate Education in his letter 6th cited reported that the name of the said society, Chikkaiah Naicker College Managing Board, was struck off from the Register of Societies maintained by the District Registrar of Erode District, Erode under Section 44 (4) of the Tamil Nadu Societies Registration Act, 1975 and it is deemed to be dissolved from the date of publication of the Notification in this regard in the Tamil Nadu Government Gazette. The Notification was published in the Gazette on the 3rd May 1995. As such, there is no educational agency or any other authority or Body to manage the affairs of the Chikkaiah Naicker College, Erode

Under the circumstances stated above, the Government are satisfied that, in the interest of Collegiate Education, it has become necessary to appoint a Special Officer and to administer the affairs of the said private College till the reconstitution of a management in accordance with law.

NOW THEREFORE, in exercise of powers conferred under section 14-A of the Tamil Nadu Private Colleges (Regulation) Act, 1976 (President's Act 19 of 1976, the Governor of Tamil Nadu hereby appoints the Regional Joint Director of Collegiate Education as the Special Officer for Chikkaiah Naicker College, Erode for a period of one year or till the reconstitution of a management for the said private college in accordance with law, whichever is later.

The Regional Joint Director of Collegiate Education, Coimbatore shall discharge his function as Special Officer of the said Chikkaiah Naicker College, Erode in addition to his duties as Regional Joint Director of Collegiate Education, Coimbatore and shall take all steps as are necessary to manage and run the affairs of the said college efficiently in accordance with the provisions of the Tamil Nadu Private Colleges (Regulation) Act, 1976 (President's Act 19 of 1976)

(BY ORDER OF THE GOVERNOR)

I.V. MANIVANNAN,

SECRETARY TO GOVERNMENT

To

The Director of Collegiate Education ,

Chennai.6

Regional Joint Director of Collegiate Education , Coimbatore,

Inspector General of Registration, Chennai-28

District Registrar, Erode,

Registrar, Bharathiyar University, Coimbatore.

Copy to

Law Department,

Secretary to Chief Minister's Office,

Deputy Secretary to Hon'ble Minister (Education),Chennai.9.

/forwarded/ by order/

Section Officer