
Dalit Liberation Education Trust Vs State of Tamil Nadu and Others

Writ Petition No"s. 39674 of 2005 and 1937 of 2006

Court: Madras High Court

Date of Decision: March 20, 2006

Acts Referred:

Constitution of India, 1950 – Article 226

Hon'ble Judges: M. Jaichandren, J

Bench: Single Bench

Advocate: P. Mani and Sivakumar, in W.P. No. 39674 of 2005 and S.M. Subramaniam, in W.P. No. 1937 of 2006, for the Appellant; Mahalingam, Government Advocate in W.P. No. 39674 of 2005 for R1 to R3 and Nixon in W.P. No. 1937 of 2006, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

M. Jaichandren, J.

W.P. No. 39674 of 2005:-

1. This writ petition has been filed on behalf of the Dalit Liberation Education Trust represented by its Managing Trustee Y.D.Darshini.

2. It is the case of the petitioner that the Medical Department, Government of Tamil Nadu, sanctioned para Medical Courses to be run by the

petitioner/Trust in G.O.Ms.No.298/H, dated 18.8.2000, permitting the Managing Trustee of the Dalit Liberation Education Trust to start Nursing

Courses. As per the deed of the petitioner/Trust, the Management of the Trust shall be vested with the Board of trustees. It is stated that

Mrs.Y.D.Darshini is the Managing Trustee from the year 2004 as per the resolution passed by the Board of Trustees on 3.7.2004 and that the

Managing Trustee has every right to manage the Trust according to the deed of trust.

3. It is also the case of the petitioner/Trust that on 15.6.2005, a wide publicity was made on behalf of the Trust cautioning the public not to deal

with Mr. Henry Thiagaraj in the administration of the Trust. On 12.7.2005 and 20.7.2005, legal notices were issued to the Dean, Government

General Hospital, Chennai, the third respondent herein. The petitioner had submitted a list of the students and the third respondent had sent a letter

on 4.10.2005, regarding the admission of the students for the academic year 2005-2006. On 31.10.2005, the third respondent returned all the

original certificates of the students stating that the matter is subjudice. On 14.11.2005, the third respondent passed an order stating that since the

case is pending before the Courts of law, the names of the students could not be registered. Therefore, the present writ petition has been filed

before this Court praying for a writ of mandamus to direct the third respondent to register the names of the students submitted by the petitioner for

Nursing Course for the academic year 2005-2006, without demanding the recognition from Indian Nursing Council, New Delhi, and Midwives

Council, Chennai.

W.P.No.1937 of 2006:

4. This writ petition has been filed on behalf of the Delta School of Nursing sponsored by Dalit Liberation Education Trust, represented by its

Director and Managing Trustee Dr.D.Henry Thiagaraj.

5. It is submitted on behalf of the petitioner/Trust that it is running a School of Nursing in the name of Delta School of Nursing at Kadalur, Cheyyur

Taluk, Kancheepuram District. It is stated that in G.O.Ms.No.298, Health and Family Welfare Department, dated 18.8.2000, the Government

had granted permission to start Diploma in Nursing Course. The Indian Nursing Council had inspected the nursing School run by the petitioner

Trust and granted a certificate, on 22.10.2005, declaring that the Course conducted by the petitioner Trust is an approved Diploma in Nursing

Course. Consequent to the approval by the Indian Nursing Council, the petitioner Trust had submitted a representation to the third respondent to

approve the list of students for enrollment for the academic year 2005-2006. However, the third respondent had returned the list by his

proceedings, dated 14.11.2005. Therefore, the present writ petition has been filed before this Court praying for a writ of mandamus to direct the

respondents to conduct inspection of the Registered premises of Delta School of Nursing run by the petitioner Trust and approve the list of

students for enrollment in the Diploma in Nursing Course for the academic year 2005-2006.

6. Heard the learned counsel for the petitioners as well as the respondents.

7. On the submissions made by the learned counsel on either side and on a perusal of the affidavits filed in support of the writ petitions this Court of

the view that there are serious disputes amongst the Trustees of the petitioner-Trust, which can be resolved only by way of civil proceedings and

not before this Court under Article 226 of the Constitution of India. At this stage of hearing, the learned counsel for the petitioners as well as the

respondents in both the writ petitions agree to agitate their disputes in the civil case pending before this Court in C.S.No.875 of 2002. The matters

pertain to a dispute among the trustees as to who shall Manage the Trust as well as for getting permission from the necessary authorities, including

approval, for running of the Nursing Course run by the Trust. At the time of hearing, it is also brought to the knowledge of this Court that the case

in C.S.No.875 of 2002 is still pending before this Court. In such circumstances, this Court is of the considered view that all the matters with regard

to the civil dispute amongst the Trustees can be agitated in the said suit, including the reliefs sought for before this Court in the writ petitions. It is

made clear that all the issues are left open to the parties to be agitated before the civil Court and disposal of the petitions will not stand in the way

of claiming their respective rights.

8. With the above directions, the writ petitions are disposed of. No costs. Consequently, connected W.P.M.P.Nos.42541 and 42542 of 2005

and W.P.M.P.Nos.2921,2922 and 2193 of 2006 are closed.