

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

C O R A M :

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE DR. JUSTICE P. DEVADASS

W.A. No.1547 of 2015

The Principal,  
Pattukkottai Polytechnic College,  
Pattukkottai 614 601,  
Thanjavur District.

... Appellant/2nd  
Respondent

Vs

1. K. Chelladurai ...1st Respondent/Petitioner

2. The Director of Technical Education,  
Chennai 600 025. ....2nd Respondent/1st  
Respondent

Prayer:-Appeal filed under Clause 15 of Letters Patent to  
set aside the order dated 18.07.2014 passed in W.P. No. 22571  
of 2009.

W.P. No. 22571 of 2009 : Writ Petition praying to Writ of  
Certiorarified Mandamus calling for the records pertaining to  
the order passed by the 2nd respondent in his proceedings  
No.1615/2002 dt.5.11.2002 and the proceedings No.1615/2002 1)  
dt.25.6.2007 as confirmed by the 1st respondent in his  
proceedings No.25349/C2/2007 dt.11.9.2009 and quash the same  
and direct therespondents to confer all the consequential  
benefits to the petitioner.

For appellant : Mr. V.K. Vijayaraghavan

For respondents : Mr. P. Ganesan - R1  
Mrs. A. Srijayanthi  
Special Government Pleader - R2

J U D G M E N T  
(Delivered by SATISH K. AGNIHOTRI, J.,)

Learned counsel appearing for the appellant submits that the appellant had no opportunity to put forth its case before the learned Single Judge. The impugned order was rendered without examining the true facts, which could not be brought to the notice of the learned single Judge. Thus, permission may be granted to the appellant to withdraw the appeal with liberty to file a review petition before the learned Single Judge. The learned counsel has also made an endorsement to that effect as under:

"The writ petitioner has not placed correct facts in the writ petition. Without prejudice to the contentions raised in the writ appeal, liberty may be given to file review of the impugned order and the writ appeal is withdrawn."

2. In view of the above, the writ appeal is dismissed as withdrawn with liberty, as aforestated, if so advised, under the provisions of law. No costs. Connected miscellaneous petition is also dismissed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ra

To

1. The Director of Technical Education,  
Chennai 600 025.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.61078

+1cc to Mr.V.K.Vijayaraghavan, Advocate, S.R.No.61306

W.A. No.1547 of 2015

MG(CO)  
CA(23/11/2015)