

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.9008 of 2016

K.Sankar

.. Petitioner

-vs-

1.The Principal Secretary to Government,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2.Director of Collegiate Education,
Directorate of Collegiate Education,
DPI Compound, College Road,
Chennai-600 006.

3.The Principal,
Arignar Anna Government Arts College,
Cheyyar,
Tiruvannamalai District-604 407.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records relating to the orders in (1) Na.Ka.No.21958/C1/2015 dated 24.02.2016 of the second respondent and quash the same and consequently direct the respondents to allow the petitioner to continue to serve as Associate Professor upto 31.05.2016.

For Petitioner : Mr.V.Stalin

For respondents: Mr.A.Kumar,
Special Government Pleader

O R D E R

This writ petition has been filed by the petitioner, challenging the impugned order dated 24.02.2016 made in Na.Ka.No.21958/C1/2015 passed by the second respondent and directing the respondents to allow him to continue to serve as Associate Professor upto 31.05.2016.

2.Learned counsel appearing for the petitioner, taking assistance from the order passed by this Court in W.P.

Nos.21392, 24844 and 24410 of 2014 dated 25.09.2014, wherein the order passed by the Division Bench of this Court in W.A. (MD) No.456 of 2014, dated 25.09.2014 was relied on by the learned Single Judge, would submit that the Division Bench of this Court has held that even if the college teacher was facing disciplinary proceedings, on that ground, the Director of Collegiate Education, cannot refuse to grant permission for re-employment. Therefore, he would submit that the impugned order, refusing to grant benefit of re-employment is liable to be interfered with.

3.The petitioner suffered a departmental proceeding on the charge of fabrication of documents in Proceedings in Na.Ka.No.21958/C1/2015 dated 23.07.2015. Therefore, while he was serving as Associate Professor in Mathematics, Arignar Anna Government Arts College, Cheyyar, on reaching the age of superannuation on the afternoon on 29.02.2016, he was permitted to retire from service on the afternoon of 29.02.2016, by an order dated 29.02.2016 stating that the disciplinary proceedings pending against him shall be continued under Rule 9 of the Tamil Nadu Pension Rules 1978. Therefore, when the petitioner is facing a departmental proceeding by issuance of the charge memo dated 23.07.2015, it goes without saying that his work and conduct is not satisfactory, which is a pre-requisite for seeking the benefit of re-employment. Hence, this Court is not able to find any merit in the writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected M.Ps. are also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Principal Secretary to Government,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2.Director of Collegiate Education,
Directorate of Collegiate Education,
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3.The Principal,
Arignar Anna Government Arts College,
Cheyyar,
Tiruvannamalai District-604 407.

1 cc to M/s.Row & Reddy, Advocate, sr.15920

W.P. No.9008 of 2016

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kra 19.05.2016



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