



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.8776 of 2014

M.Anandakrishnan

.. Petitioner

Vs.

1.Union of India,
Rep. By its Secretary,
Department of Higher Education,
Ministry of Human Resources Development,
Shastri Bhawan,
New Delhi - 110 001.

2.The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Department of Higher Education,
Fort St. George,
Chennai.

3.The Director of Collegiate Education,
Chennai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to constitute Tribunal as mandated by the Honourable Apex Court in its Judgment in *TMA Pai Foundation Vs State of Karnataka* as reported in 2002 (8) SCC 481 to redress the grievances of employees of minority institutions within a time frame fixed by this Court and pass such further or other orders.

For Petitioner

: Mr.R.Subramanian

For Respondent No.1

: M/s.S.Srimathy

For RR 2 & 3

: Mr.M.Govindan

Special Government Pleader

ORDER

[Order of the Court was made by A.SELVAM, J.]



respondents 1 and 2 to constitute a Tribunal on the basis of a mandate given by the Honourable Supreme Court reported in 2002 (8) SCC 481 [TMA Pai Foundation Vs State of Karnataka], by way of passing a Writ of Mandamus.

2. It is averred in the petition that the petitioner is a Assistant Professor of Anna University. For redressing grievances of employees working in private institutions, the Honourable Supreme Court has directed to constitute a Tribunal in the decision reported in 2002 (8) SCC 481 [TMA Pai Foundation Vs State of Karnataka]. But the respondents 1 and 2 have not at all considered the same. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

3. The only issue involved in the present Writ Petition is as to whether the relief sought in the Writ Petition can be granted as per the alleged mandate given by the Honourable Supreme Court in the decision reported in 2002 (8) SCC 481 [TMA Pai Foundation Vs State of Karnataka].

4. The learned counsel appearing for the petitioner has drawn the attention of the Court to the following observation made by the Honourable Supreme Court in the decision reported in 2002 (8) SCC 481 [TMA Pai Foundation Vs State of Karnataka] and the same is follows:-

"For redressing the grievances of employees of aided and unaided institutions who are subjected to punishment or termination from service, a mechanism will have to be evolved and in our opinion appropriate Tribunals could be constituted and till then such Tribunals could be presided by a Judicial Officer of the rank of the District Judge".

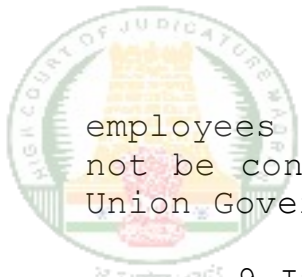
5. A mere reading of the observation made by the Honourable Supreme Court is that for the purpose of giving speed remedy to employees of aided and unaided institutions Tribunals could be constituted.

6. On the basis of observations, the Court cannot construe to the effect that a specific direction has been given to all the States.

7. The present Writ Petition has been filed on the basis of alleged mandate given by the Honourable Supreme Court in the decision reported in 2002 (8) SCC 481 [TMA Pai Foundation Vs State of Karnataka].

<https://hcservices.ecourts.gov.in/hcservices/>

8. As mentioned earlier, the Honourable Supreme Court has expressed its opinion for the purpose of giving speed remedy to



employees of aided and unaided institutions and that itself would not be considered as a mandate of the State Government as well as Union Government.

9. It is seen from the records that the petitioner has given representation on 14.02.2014 to the second respondent on the basis of observations/suggestions given by the Honourable Supreme Court. Since the petitioner has given such kind of representation on the date mentioned supra, the second respondent can be directed to look into the same as indicated below. With the above observation, this Writ Petition is liable to be allowed in part.

10. In fine, this Writ Petition is allowed in part without costs. The second respondent is directed to look into the representation given by the petitioner on 14.02.2014 and after giving opportunity to the petitioner pass suitable orders within a period of one month as expeditiously as possible.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary, Union of India,
Department of Higher Education,
Ministry of Human Resources Development,
Shastri Bhawan,
New Delhi - 110 001.

2. The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Department of Higher Education,
Fort St. George,
Chennai.

3. The Director of Collegiate Education, Chennai.
+One cc to M/s.S.Srimathy, Advocate, SR.No.81229
+One cc to M/s.R.Subramanian, Advocate, SR.No.81334
+One cc to The Special Government Pleader, SR.No.81620

ps

RL/7C/3P/SS2/SAR1/23.12.2016

ORDER MADE IN
W.P(MD)No.8776 of 2014