

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.01.2017

Coram

The Hon'ble Mr.Justice NOOTY. RAMAMOHANA RAO
and
The Hon'ble Mr.Justice S.M.SUBRAMANIAM

W.A. No.8 of 2017

R.Buvanesvari

.. Appellant

Versus

1. Dr.P. Thambidurai,
Principal-in-charge
Perunthalaivar Kamarajar Institute
Engineering and Technology,
Karikal, Union Territory of
Puducherry.
2. Union of India rep. By its
Chief Secretary to Government
Government of Puducherry,
Chief Secretariat, Puducherry,
Union Territory of Puducherry.
3. Perunthalaivar Kamarajar Institute
rep.by Secretary (Education)-Cum-
Chairman, Perunthalaivar Kamarajar
Institute Engineering and Technology,
Karikal, Union Territory of Puducherry. ..Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed in W.M.P.Nos.32687 in W.P.No.38141 of 2016, by the learned single Judge.

WP.NO.32687 of 2016: to grant interim stay of the operation of the order of the 1st Respondent dated 8.6.2016 bearing reference NO.008554/C.S.Hr. & Tech. Edn)/ E3/2016, pending disposal of the writ petition 38141/16 .

W.P.No.38141/2016: To issue a certiorarified Mandamus after calling for the records relating to the orders of the 1st respondent dated 8.6.2016 bearing Reference No.008554/ CS(Hr. & Tech.Edn)/ E3/2016 and quash the same as being illegal arbitrary violative of principles of natural justice unjust and beyond jurisdiction and consequently direct the respondents 1 and 2 to continue the petitioner as Principal of the 2nd respondent pay salary and other benefits meant for the posts

For Appellant .. Mr.M.Gnanasekar

For Respondents .. Mr.R.Krishnamoorthy,
Senior Counsel for
Mr.S.Saravanakumar for R1

Mrs.D.Reena Iswariya
AGP (Pondy) for R2&R3.

JUDGMENT

(Delivered by NOOTY. RAMAMOHANA RAO, J)

This is an appeal under Clause 15 of the Letters Patent preferred against an order passed in W.M.P.Nos.32687 and 34523 of 2016 in W.P.No.38141 of 2016, by the learned single Judge.

2. The learned single Judge, after noticing that the arguments in the Stay Petition as well as the Vacate Stay Petition could possibly cover the entire gamut of the pleadings of the writ petition itself, directed the matters to be called again on 10.02.2017 with an understanding that arguments would be advanced in the main writ petition itself.

3. When we have taken up this writ appeal for hearing today, learned Senior Counsel Sri. R.Krishnamoorthy, appearing for the counsel for the first respondent, has pointed out that there is no adjudication made by the learned single Judge in his order dated 19.12.2016, for an appeal to be maintained there against. When there is no adjudication made by the learned single Judge, the question of maintaining the Letters Patent Appeal there against, would not arise, is the principle which does not admit of a second opinion. The learned single Judge has adjourned the miscellaneous petitions for hearing on 10.02.2017 with the understanding that the writ petition itself would be heard on that day.

4. We hope and trust that all the parties concerned would extend necessary co-operation to help the learned single Judge to decide the entire matter as early as possible.

5. With this hope, we dispose of the writ appeal, as it is otherwise not maintainable. Consequently, connected C.M.Ps., are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gr

Copy to:

1. The Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat, Puducherry,
Union Territory of Puducherry.

2. The Secretary (Education)-Cum-Chairman,
Perunthalaivar Kamarajar Institute
Engineering and Technology,
Karikal, Union Territory of Puducherry.

+lcc to Mr.M. Gnanasehar, Advocate, S.R.No.5013
+lcc to M/s. S. Saravanakumar, Advocate, S.R.No.4756
+lcc to the Government Pleader, S.R.No.4962

KJ(CO)
EU 30.1.17

W.A. No.8 of 2017



WEB COPY