

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.27011 of 2017
and
WMP.No.28823 of 2017

V.Mariappan

... Petitioner

Vs.

1. The Chief Secretary to Government,
Chief Secretariat,
Government of Puducherry,
Puducherry.
2. The Secretary to Government
(Higher Education)
Chief Secretariat,
Government of Puducherry,
Puducherry.
3. The Director,
Directorate of Higher and Technical Education,
Government of Puducherry,
Puducherry.
4. Perunthalaivar Kamarajar Institute of
Engineering and Technology,
rep. by its Principal,
Nedungadu, Karaikal, U.T. Puducherry - 609 603.
5. Pondicherry Engineering College,
rep. by its Principal,
Pillaichavady, Puducherry - 605 014.
6. P.Thambidurai,
Principal In-charge,
Perunthalaivar Kamarajar Institute of
Engineering and Technology,
rep. by its Principal,
Nedungadu, Karaikal,
U.T. Puducherry - 609 603.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of quo-warranto, questioning under what authority the 6th respondent is holding the post of Professor in Department of Computer Science Engineering, Pondicherry Engineering College, Puducherry, and officiating as Principa-in-charge of Perunthalaivar Kamarajar Institute of Engineering and Technology, Puducherry on deputation basis, in view of lack of required qualifications as prescribed in the Recruitment Rules and as per norms of All India Council for Technical Education.

For Petitioner : Mr.M.Sathiyamurthy
for M/s.J.Srinivasa Mohan

For Respondents : Mr.Syed Mustafa
Government Pleader
(Puducherry) for R1 to R5

Mr.S.Saravana Kumar
for 6th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

It appears that the writ petitioner had earlier initiated a writ petition being W.P.No.17296 of 2016, seeking a Writ of Quo-warranto against the sixth respondent, Thiru P.Thambidurai. The said writ petition was disposed of by an order dated 04.05.2016, directing the first respondent to look into the grievance expressed in the representation dated 14.10.2015 of the petitioner within a period of one month from the date of receipt of a copy of the said order.

2. On 30.05.2016, the Government of Puducherry passed an order repatriating the sixth respondent, Principal-in-charge and posting him as Professor, Department of Computer Science and Engineering, Pondicherry Engineering College, Puducherry with immediate effect.

3. The petitioner even filed a Contempt Petition being Contempt Petition No.416 of 2017, which was disposed of by an order dated 06.04.2017 recording that order dated 04.05.2016 passed by this Court had been complied with.

4. In the contempt proceedings, the petitioner contended that the sixth respondent had filed a writ petition (W.P.No.38141 of 2016) challenging the communication dated 25.07.2016. The learned Single Judge closed the contempt proceedings.

5. The petitioner has filed the present writ petition contending that by an order dated 25.07.2016, he had been informed that the sixth respondent had already been repatriated to Pondicherry Engineering College as Professor. But in reality, there had been no change. The sixth respondent continued to attend Perunthalaivar Kamarajar Institute of Engineering & Technology ("PKIET"), Karaikal. He had been present every day and signing documents and that in the documents, he had been mentioned as Principal and Professor of PKIET.

6. The instant writ petition, seeking once again a Writ of Quo-warranto, is clearly barred by res judicata and/or principles analogous thereto. It is well settled that principles of res judicata apply to writ proceedings as well.

7. There is not even a whisper of the document, in which the sixth respondent had been referred to as Principal and in any case, mere description in the document cannot constitute a cause of action for filing a writ petition seeking a Writ of Quo-warranto. The writ petition is in gross abuse of process of this Court and the same is dismissed with costs assessed at Rs.10,000/- (Rupees Ten Thousand) to be paid to the Registrar General of this High Court for wasting the time of this Court by filing of frivolous writ petition. Cost of Rs.10,000/- shall be deposited with the Registrar General of this Court within a period of two weeks from date, failing which, appropriate proceedings will be initiated against the writ petitioner for recovery of the costs. Consequently, WMP.No.28823 of 2017 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Chief Secretary to Government,
Chief Secretariat,
Government of Puducherry,
Puducherry.
2. The Secretary to Government
(Higher Education)
Chief Secretariat,
Government of Puducherry,
Puducherry.

3. The Director,
Directorate of Higher and Technical Education,
Government of Puducherry,
Puducherry.

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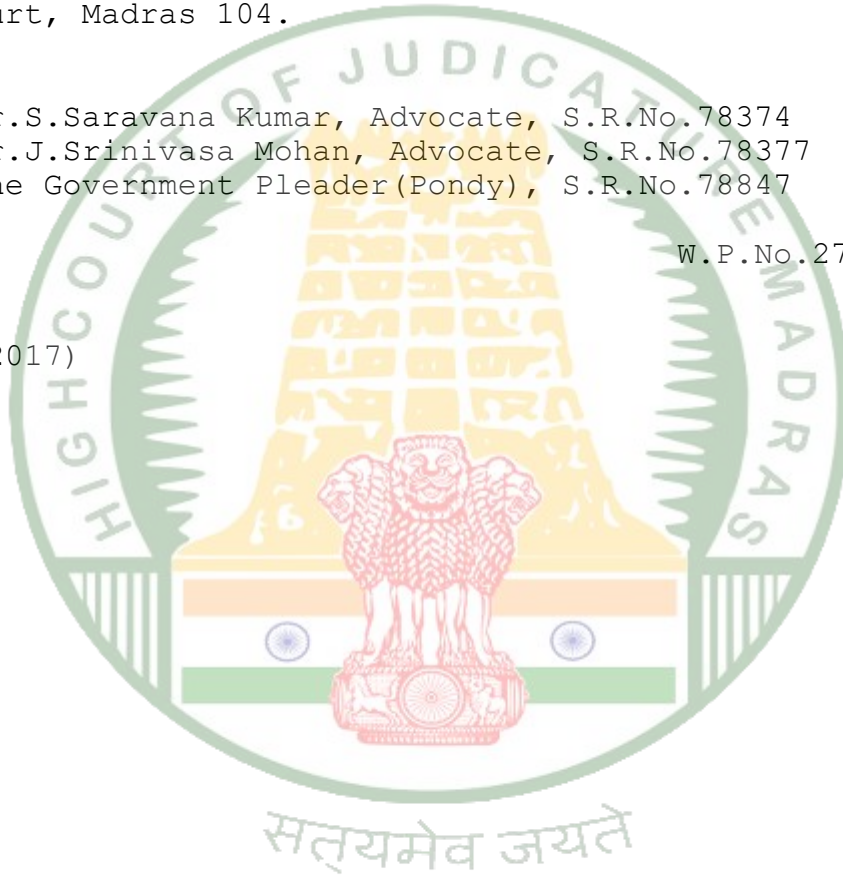
1.The Registrar General,
High Court, Madras.

2.The Correspondence Seat,
Current Section,
High Court, Madras 104.

+1cc to Mr.S.Saravana Kumar, Advocate, S.R.No.78374
+1cc to Mr.J.Srinivasa Mohan, Advocate, S.R.No.78377
+1cc to the Government Pleader (Pondy), S.R.No.78847

W.P.No.27011 of 2017

AR V
CA(09/11/2017)



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