

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17298 of 2004
&
W.M.P.No.20538 of 2004

Dr.K.R.Ajeendranath

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep.by its Secretary,
Dept. of Education, Chennai -9.

2.Director of Collegiate Education,
College Road, Chennai -6.

3.Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

4.Secretary,
S.T.Hindu College, Nagercoil,
K.K.District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the 2nd respondent dated 11/05/2004 pertaining in N.K.No.30308/G3/2003 quash the same.

For Petitioner : Mr.R.Subramanian

For Respondents : Mrs.K.Bhuvaneswari,
Government Advocate,
For R1 to R3.

Mr.P.M.Subramaniam for R4.

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O R D E R

The petitioner has come forward with this writ petition praying for issuance of Writ of Certiorari to call for the records of the 2nd respondent dated 11/05/2004 pertaining in N.K.No.30308/G3/2003 quash the same.

2.Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 to 3

and the learned counsel appearing for the fourth respondent.

3.The petitioner was appointed as Lecturer in Malayalam from 04.02.1991 in the permanent vacancy in the fourth respondent's college and his services were regularised. Subsequently, the impugned proceedings dated 11.05.2004 came to be passed stating that minimum number of students should not be less than 20 in the case of Graduation course. Since, they are not maintaining the requisite number of students in the Educational Institution, the impugned came to be passed, which is challenged before this Court.

4.The learned counsel for the petitioner submit that, though the petitioner was initially appointed as lecturer in Malayalam subsequently, the post was re-designated as "Assistant Professor". Thereafter, the petitioner is also discharging the functions as N.C.C. Officer and he was commissioned as Coordinator and Placement Officer of the Career and Counselling Cell with effect from 13th October 2008. He is the only person giving training to boys and girls and he promotes the character and capacity of the leadership of the said boys and girls and he is also co-ordinating lot of research students and he continued as Malayalam Professor in the said College.

5.Apart from the above, the fourth respondent nominated the petitioner as nodal officer for Coordination and Collection of data and the fourth respondent college is one of the research centre in Tirunelveli District and the same was approved by Manonmaniyam Sundaranar University.

6. Apart from the above factual details, Mr.R.Subramanian, learned counsel for the petitioner also produced the judgement of this court in W.P.No.17299 of 2004 wherein, Lordship Justice.R.Banumathi is she then was passed the following order.

4.Learned counsel for the petitioner has submitted that in the year 2003-2004, the college has been converted as co-educational institution and the strength is also on the increase and the awareness of Higher education among the girl students is also increasing and the student strength in the college has increased. Learned counsel would further submit that at the time when the writ petition was admitted, interim stay was granted and based on the interim stay, the petitioner continued in service and he was also paid the salary. Learned counsel would further submit that there was increase in student strength and that subsequently, there was though student strength in fourth respondent college to continue the courses both in English as well as in philosophy. It was stated that the petitioner is still in service.

5. In view of the subsequent developments, particularly increase of student strength and the petitioner has been paid salary during the period of stay, the impugned order cannot be sustained.

6. In the result, the impugned order dated 11.05.2004 is quashed and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

7. In the above said order, this Court quashed the impugned order passed by the second respondent therein. Applying the principles as ordered by this Court, I am inclined to extend the very same benefit by quashing the impugned order dated 11.05.2004. Accordingly, the Writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

mfa/pri

To

1. The Secretary,
Dept. of Education, Chennai -9.
2. The Director of Collegiate Education,
College Road, Chennai -6.
3. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.
4. The Secretary,
S.T.Hindu College, Nagercoil,
K.K.District.

+1 CC to Mr.R. Subramanian, Advocate sr 59665
+1 Cc to Govt. Pleader sr 60207.
+1 Cc to Mr.P.M. Subramaniam, Advocate sr 59334.

W.P.No.17298 of 2004

LRS (CO)
sp (07/09/2017)