



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 17139 of 2017

C. Balamurugan

: Petitioner

Vs.

1. The Secretary to Government,
Department of Collegiate Education,
St. George Fort, (Secretariate),
Chennai.

2. The Principal,
Alagappa Government Arts College,
Karaikudi - 3.
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to instruct the second respondent to reappoint the petitioner as Guest Lecturer in the second shift in Commerce Department, Alagappa Government Arts College, Karaikudi, Sivagangai District, on compassionate Grounds.

For Petitioner

: Mr. R. Murugan

For Respondents

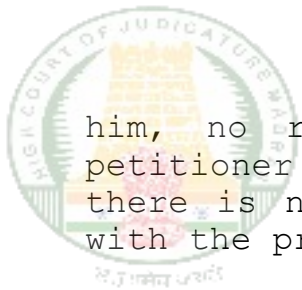
: Mr. R. Karthikeyan

Additional Government Pleader

O R D E R

By consent of both parties, the writ petition itself is taken up for final disposal.

2. The learned counsel for the petitioner would submit that the petitioner was appointed as a Guest Lecturer in the 2nd shift in Commerce Department, in the second respondent college namely Alagappa Government Arts College, Karaikudi, Sivagangai District, with effect from 09.12.2009. He would further submit that the Principal of the said college instructed the petitioner to tender his resignation letter with assurance to give him re-appointment in the same post after some time. Believing the said version made by the Principal of the second respondent college, the petitioner tendered his resignation. But after some time, in spite of the petitioner's repeated visit to the college with a request to the Principal and the Head of the Department of Commerce, to re-appoint



him, no response was forthcoming till then. Therefore, the petitioner has submitted a representation dated 21.06.2017. Since, there is no response again, the respondent has come to this Court with the present writ petition.

3. Since, the learned counsel for the petitioner submitted that the petitioner was forced to tender his resignation with a promise that he would be re-appointed after some time, a question was posed to him to show the copy of the resignation letter. The learned counsel for the petitioner is unable to produce the copy of the resignation letter. Secondly, when he was again posed another query whether the petitioner, while making his representation dated 21.06.2017, (enclosed at Page 17 of the typeset) has mentioned about the false promise given by the Principal that he would re-appoint the petitioner to the same post, there is no such positive response.

4. A reading of the representation also does not show that the petitioner has tendered his resignation on the instructions or the request made by the Principal of the second college. And it clearly shows that the petitioner was relieved by the Principal on the basis of the poor performance of the petitioner. Therefore, this Court keeping in mind that the petitioner was only a guest lecturer, is unable to entertain this Writ Petition.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Department of Collegiate Education,
St. George Fort, (Secretariate),
Chennai.

2. The Principal,
Alagappa Government Arts College,
Karaikudi - 3.
Sivagangai District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 78597

+1cc to Mr. R. MURUGAN Advocate in SR. No. 78179

MR/MRN

JS/KP/SAR.1/12.10.2017/2P-5C