



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMARW.P. (MD).No.16729 of 2013 &
M.P. (MD).Nos.1 and 2 of 2013

P.Shankar Kumar

.. Petitioner

Vs.

1.The Vice-Chancellor,
Manomaniam Sundaranar University,
Abishekapatti,
Tirunelveli,
Tirunelveli District.

2.The Registrar,
Manomaniam Sundaranar University,
Abishekapatti, Tirunelveli,
Tirunelveli District.

3.The Principal,
Mano College,
An Institution of Manonmaniam Sundaranar University,
Seevalarayanenthall Vilakku,
Tiruvengadam Road, Sankarankoil,
Tirunelveli District.

.. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records, pertaining to the impugned order of suspension passed by the 2nd respondent, dated 06.07.2009 made in Ref.MSU/Legal/2009 and quash the same in so far as the petitioner is concerned and consequently direct the respondents to reinstate the petitioner in the post of Lecturer in Department of Commerce in the 3rd respondent's college or any other college comes under the 2nd respondent's university with all service and monetary benefits, within a stipulated time.

For Petitioner :Mr.A.Saravanan

For Respondents :Mr.K.Sathiya Singh for R1 and R2

No appearance for R3

ORDER

The prayer in the writ petition is for a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned order of suspension, passed by the second respondent, dated 06.07.2009, made in Ref.MSU/Legal/2009 and quash the same in so far as the petitioner is concerned and consequently, direct the respondent to re-instate the petitioner in the post of Lecturer in the Department of Commerce in the third respondent



college or any other college comes under the 2nd respondent with all service and monetary benefits, within a time stipulated by this Court.

2. Heard both sides.

3. Challenging the very same impugned order of suspension, dated 06.07.2009, the petitioner along with another person, against whom also such impugned order has been passed, had filed writ petitions in W.P.(MD).Nos.826 and 1215 of 2010. The petitioner's writ petition is W.P.(MD).No.826 of 2010. Both the writ petitions were heard together and disposed of by common order dated 21.07.2010, wherein this Hon'ble Court has passed the following order:-

"6. In this case, it is not in dispute that the authority, who passed the order of suspension has got the power. The suspension order was passed on the registration of the criminal case against the petitioners and in the FIR, the names of the petitioners are found, as having abetted the other persons to commit the offence. It is further admitted that after investigation, final report was filed and the petitioners are named as accused. As rightly submitted by the learned counsel for the respondent, petitioners being lecturers of the college, must behave in such a manner and they must be role model for the students and they should not indulge in criminal activities. Hence, the order of suspension was passed by the respondent in the interest of the Institution and I do not find any reason to interfere with the order of suspension and hence, these writ petitions are dismissed. Consequently, connected M.Ps. Are also dismissed. No costs."

4. Having suffered with the said order passed by this Court as stated supra, the petitioner has not chosen to file any intra court appeal. However after few years, in the year 2013 the petitioner come out with the present writ petition, with the aforesaid prayer, wherein also the very same impugned order of suspension dated 06.07.2009 is being challenged.

5. It is a settled proposition of law that once a prayer is sought for in a writ proceedings invoking Article 226 of the Constitution of India and the same is decided on merits and in accordance with law by the competent High Court, for the very same relief no further writ proceedings can be entertained. If at all the petitioner had grievance over the order passed by this Court dated 21.07.2010, he could have worked out his remedy by approaching this Court by way of intra Court appeal, if he is advised to do so. Instead of adopting the said course of action, the petitioner had once again filed yet another writ petition for the very same relief. If this petition is entertained, then it would open a floodgate, where for the very same relief or for one and the same cause of action, many number of writ petitions can be



filed and that kind of impression cannot be given, as it is impermissible in law.

6. Therefore, this Court has no hesitation to reject this writ petition on the ground that the very same impugned order having been unsuccessfully challenged by the very same petitioner in W.P. (MD).No.826 of 2010, by order of this Court dated 21.07.2010. This writ petition is not maintainable and therefore it is liable to be dismissed. Accordingly, the writ petition is dismissed. However, the dismissal of this writ petition will not preclude the petitioner either to approach the respondents for any other workable remedy available before him or any other legal course of action in the manner known to law. With this observation, the writ petition is dismissed. No costs. Connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Vice-Chancellor,
Manomaniam Sundaranar University,
Abishekapatti,
Tirunelveli,
Tirunelveli District.
- 2.The Registrar,
Manomaniam Sundaranar University,
Abishekapatti, Tirunelveli,
Tirunelveli District.

+1 cc to MR.A.Saravanan, ADVOCATE, SR NO:6313

jikr

sva/pn/10.03.2017/3p/4c

W.P. (MD) .No.16729 of 2013
03.02.2017