

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE T.RAJANI

WRIT APPEAL NO.761 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the interim order passed by the learned Single Judge in WPMP.No.46363 of 2016 in WP.No.37622 of 2016 dated 03.11.2016 wherein the appellant-writ petitioner sought a mandamus to set aside his termination order dated 10.10.2016.

The appellant-writ petitioner's services were terminated for sexual harassment of students after the charges were held established in an enquiry. The appellant's grievance is that the enquiry was held in gross violation of principles of natural justice.

These are all matters which can only be examined during the final hearing of the Writ Petition after the respondents file their counter affidavit. The Learned Single Judge has, rightly, held that the relief sought for in the WPMP cannot be granted as that would amount to allowing the Writ Petition itself. In an intra-Court appeal, under Clause 15 of the Letters Patent, interference is justified only if the order passed by the learned Single Judge suffers from a patent illegality. We find no such infirmity in the exercise of discretion by the learned Single Judge. We find no reason, therefore, to interfere with the order under appeal.

The Writ Appeal fails and is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

21st June 2017
RRB

