

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4587 of 2018

M.Radha

.. Petitioner

-vs-

1. The Director of Collegiate Education
Office of the Director of Collegiate Education
9th Floor, EVK Sampath Buildings
College Road
Chennai 600 006
2. The Regional Joint Director of Collegiate Education
Office of the Regional Joint Director
of Collegiate Education
Government Arts College
Dharmapuri
3. The Principal
Government Arts College for Women
Salem 636 008 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records in respect of the impugned Charge Memo Na.Ka.No.1014/AA1/2017 dated 14.12.2017 and the consequential oral termination dated 02.01.2018 issued by the third respondent herein and to quash the same and direct the respondents to reinstate the petitioner in the said post of Guest Lecturer Shift-2 with all back wages and all other eligible benefits.

For Petitioner :: Mr.C.Rajasekaran

For Respondents :: Mrs.P.Rajalakshmi
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned charge memo dated 14.12.2017 and the consequential termination of the petitioner from Guest Lecturership by the Principal, Government Arts College for Women, Salem, on the ground that she

has brought disrepute to the college for unnecessarily and without any basis and cause of action filing a false case against the Principal of Padmavani Arts and Science College for Women, Salem, while attending the valuation duty, who had merely asked the petitioner to park her two-wheeler on one side of the campus, so as to avoid inconvenience to the passer-by who would be coming inside the campus of the said college.

2. Learned counsel for the petitioner, assailing the impugned order, submitted that the petitioner, having qualified with M.A., M.Phil., Ph.D., was selected as a Guest Lecturer in the English department and got appointed at the Government Arts College for Women, Salem on 10.9.2009. Since then, she has been working. It is also stated that she was also employed at the Government Arts College, Salem from 2005. After sometime, the petitioner was sent for valuation of B.A. English papers at Kotagondanpatti near Periyar University, Omalur on 27.11.2017. Unfortunately, she met with an accident near the tollgate and left the vehicle there. From there, she went to the college by college bus and then she had parked her two-wheeler near the valuation centre in the slope till 5.12.2017 with the permission of the camp officer Mr. Sarathy. It is further stated that after noticing the petitioner parking her vehicle in the said place causing inconvenience to others, the Principal of Padmavani Arts and Science College, Salem questioned her as to why she was parking her vehicle near the centre. Moreover, the Assistant Camp Officer also scolded her for wrongly parking her vehicle near the centre. Therefore, she was compelled to make a criminal complaint in the Suramangalam Police Station on 7.12.2017. Thereafter, when she went to the college for valuation, wooden logs were put on the road along with rope preventing the entry near the valuation centre. Hence, she went to the police station and told the Inspector of Police about the same and the Principal of Padmavani college was summoned to the police station for an enquiry into the matter. But the Principal stuck to her decision and the statement made against the petitioner. In view of the above events, she skipped the valuation duty on 7.12.2017 and 8.12.2017 and she also informed the Controller of Examinations of Periyar University about the said incident. Subsequently, when she reported for duty in the parent college, she was called to the Principal's room, where the Regional Joint Director of Collegiate Education was also available. After the petitioner entered the Principal's room, she was asked to sign the charge memo issued by the third respondent-Principal without giving a copy. When the petitioner asked for a copy of the charge memo so as to give her explanation, the Principal also promised to give a copy after taking xerox copy of the same. But, however, only on 26.12.2017, the charge memo in Na.Ka.No.1014/AA1/2017 dated 14.12.2017 was issued. Since the alleged charge levelled

against the petitioner is an after-thought and it was created only after the petitioner's explanation on 21.12.2017, the same cannot be put against the petitioner. Now the petitioner has also been consequently terminated. The above facts and circumstances clearly show that there was no fault on the part of the petitioner warranting the termination of her services. Therefore, her termination is liable to be interfered with, he pleaded.

3. But this Court is unable to entertain the writ petition for more than one reason. Firstly, the petitioner was appointed only as a Guest Lecturer on 10.9.2009 in the English department at the third respondent college. Since she had gone to the Suramangalam Police Station making a complaint against the Principal of Padmavani Arts and Science College without taking prior permission from the competent authority, action has been taken by issuing the charge memo. The petitioner also gave her explanation. As she is not a Lecturer appointed in the regular cadre, she has been terminated from service and this Court finds no infirmity in the said decision. Secondly, as per the norms, the petitioner has not even passed the National Eligibility Test to hold the post of regular Lecturer. Therefore, the termination of the services of the petitioner from Guest Lecturership for the allegations levelled against her in the charge memo after finding her explanation unsatisfactory, requires no interference. Moreover, this Court also could see that the petitioner ought not to have misbehaved the way she has done. The reason being that she is serving as Lecturer in a college and on her own, she should have parked the two-wheeler in a place which did not cause any inconvenience to the passer-by who would be coming inside the Padmavani Arts and Science College. When the Principal of Padmavani Arts and Science College, having noticed the irregular parking of the vehicle by the petitioner, has rightly asked her to park the same at the appropriate place, which anybody of ordinary prudence would so do, in the present case, taking an extreme step, which no one of ordinary prudence would dare take, she has gone to the police station and made a complaint against the Principal. Therefore, her action also proves to be unbecoming of a Lecturer in the third respondent college. For all these reasons, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.No.5639 of 2018 is also dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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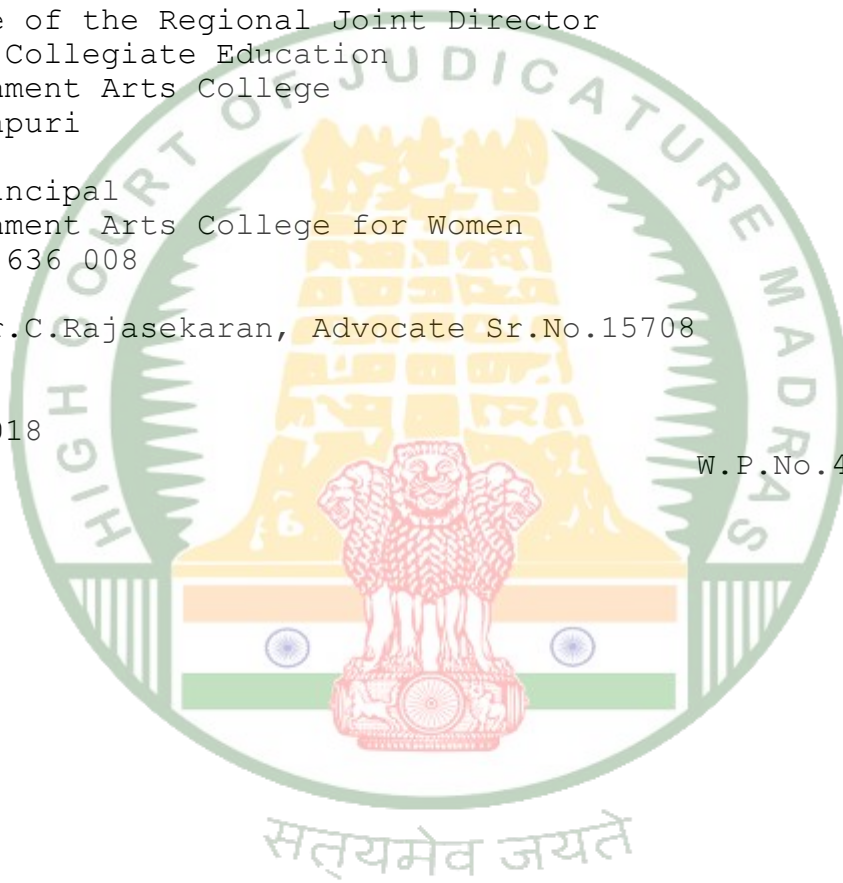
To

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+1cc to Mr.C.Rajasekaran, Advocate Sr.No.15708

VGII(CO)
sm:21.3.2018

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