



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM :

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS. JUSTICE R.THARANI

WA (MD) No.305 of 2018
and
C.M.P. (MD) No.1882 of 2018

1. The Principal,
Nazareth Margoschis College,
Pillayanmanai
Nazareth,
Thoothukudi District.

2. Nazareth Margoschis College,
Pillayanmanai
Nazareth,
Thoothukudi District.
Rep. By its Secretary

... Appellants

Versus

1.Dr.Asaitambi Dawson

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

3.The Regional Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 8,
Tirunelveli District.

... Respondents

Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 21.02.2018 made in W.P.(MD) No.2477 of 2018 on the file of this Court.

Prayer in WP(MD). 2477/ 2018 :

Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in Na.Ka.No.7106 / 21 / 2017 dated 21/12/2017 and to quash the same and consequently direct the respondents to reemploy the petitioner in service as Associate professor of commerce in fourth respondent college till the end of the academic year 2017-2018 i.e up to 31/05/2018 with effect from 01/07/2017 with



all service and monetary benefits.

For Appellant

: Mr.T.A.Ebenezer

For Respondents

: Mr.V.R.Shanmuganathan, Spl.G.P.

For R2 and R3

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JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

Heard Mr.T.Ebenezer, the learned counsel for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 2 and 3.

2.This appeal is directed against the order made in W.P.(MD) No.2477 of 2018 dated 21.02.2018. The said writ petition was filed by the first respondent herein, challenging the proceedings of the third respondent dated 21.12.2017 and to direct the appellant as well as the respondents 2 and 3 to re-employ him as Associate Professor of Commerce in the appellant college till the end of the academic year 2017-18 i.e. upto 31.05.2018.

3.The reason for refusing to grant permission to the first respondent to continue till the end of the academic year was only on the ground that the appellant management has indicated that they are not recommending the case of the first respondent/writ petitioner. The writ Court found that it is the third respondent herein who has to pass order. Merely because the Management has not recommended, it cannot close the proposal. We find that the reasons assigned by the writ Court are perfectly in order. We may clarify that if the appellant management has pointed out certain issues definitely those issues will be considered by the third respondent herein, if the proposal reaches him.

4.Thus, we find no error in the order passed by the Writ court. Accordingly, while dismissing the writ appeal, we direct the third respondent herein, to comply with the direction passed in the writ petition on or before 15.03.2018.

5.This writ Appeal is dismissed with the above said direction. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Director of Collegiate Education,
College Road, Chennai - 6.



2. The Regional Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 8,
Tirunelveli District.

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+ 1 cc TO Mr.T.A.Ebenezer , Advocate in SR No. 51482
+ 1 cc TO The Special Government Pleader in SR No. 51906

Arul

AE/SKN RSK/SAR3/07.03.2018/3P/5C

Judgment made in
WA (MD) No.305 of 2018
and
C.M.P. (MD) No.1882 of 2018
27.02.2018