



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.2124 of 2018

M.Raja

... Petitioner

vs.

1.The Director of College Education
College Road, Nungambakkam
Chennai-600 006

2.The Registrar
Tamil Nadu Teachers Education University
Gangai Amman Kovil Street
Karapakkam, Chennai-600 097

3.The Principal
St.Ignatius College of
Education (Autonomous)
Palayankottai, Tirunelveli-627 002

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent No.1 to take appropriate action against the third respondent and consequently direct the respondents to pay a just and fair reasonable compensation in the light of the proceedings issued by the second respondent vide office proceedings in No.TNTEU/R/CC/Complaint/2016/602 dated 29.04.2016 within a stipulated time.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader for R1
Mr.M.Sivakumar for R2
Mr.G.Prabhu Rajadurai for R3

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus to direct the first respondent to take appropriate action as against the third respondent and to direct the respondents to pay a just and fair compensation to the petitioner in the light of the proceedings dated 29.04.2016, issued by the second respondent, within a stipulated time.



2. At the time when the petitioner's daughter was admitted to the third respondent - College on 14.06.2014, she had given an undertaking that in case the Government did not approve her admission, she would leave the College. On the basis of the said undertaking, it is stated that the petitioner's daughter was admitted to the third respondent - College and ultimately, the Government had turned down and not approved her admission. Therefore, the third respondent - College, in which the petitioner's daughter was admitted, had returned the fees collected from the petitioner's daughter. But, the same was refused to be received by the petitioner.

3. While the matter stood thus, the petitioner has approached this Court seeking for a direction to the first respondent to take action against the third respondent - College and also to direct the respondents to pay a reasonable compensation to him.

4. The question of reasonable and adequate compensation payable to the petitioner in regard to his grievances, as projected in this writ petition, cannot be adjudicated by this Court, which is exercising its writ jurisdiction, since the said adjudication would involve a settlement of factual dispute between the parties concerned. The quantification and payment of compensation will depend on the conduct of the parties concerned towards each other and this Court cannot embark into such an adjudication while exercising its extraordinary jurisdiction under Article 226 of the Constitution of India.

5. In case, the petitioner has any grievance and there was any infringement of rights suffered by the petitioner's daughter, for which the petitioner feels that he is entitled to a reasonable compensation, it is always open to him to approach the appropriate Civil Court to enforce his right claiming adequate damages, if he is so advised. It is certainly not open to the petitioner to approach this Court and seek unquantified damages from the third respondent - College. Hence, the writ petition is found to be not maintainable and the same is, therefore, dismissed. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

krk

To:

1. The Director of College Education,
College Road, Nungambakkam,
Chennai-600 006.



+1cc to Mr.M.Sivakumar, Advocate in SR No.81563
+1cc to Spl Government Pleader, SR No.81652
+1cc to Mr.R.Karunanidhi, Advocate in SR No.81673
+1cc to Mr.G.Prabhu Rajadurai, Advocate in SR No.81877

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NM/SV/SAR 4/25.09.2018/3P/6C