



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.12.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P(MD)No.12239 of 2018

and

W.M.P(MD) .Nos.11135 & 11136 of 2018

and

W.M.P.11688 OF 2018

Dr.Mrs.R.Saradha

... Petitioner

Vs.

1.The State of Tamilnadu

Represented by its Secretary
Department of Higher Education
Fort St.George, Chennai 600 006

2.The Director of Collegiate Education

College Road
Chennai 600 006

3.The Joint Director of Collegiate Education

Madurai Region, Madurai
Madurai District 620 020

4.The Secretary

Fatima College (Autonomous)
Mary Land Madurai 625 018
Madurai District

5.Dr.Sr.M.Francisca Flora

Secretary
Fatima College (Autonomous)
Madurai 625 018

6.The Principal

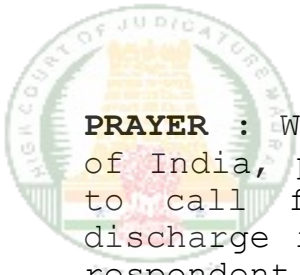
Fatima College (Autonomous)
Mary Land Madurai 625 018
Madurai District

7.The Registrar

Madurai Kamaraj University
Palkalai Nagar, Madurai 625 021

Represented by its Registrar

... Respondents



PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of discharge in Ref.No.91/TS/2018-2019 dated 31.05.2018 on the file of respondent No.4 and quash the same as illegal and consequently directing the respondent No.4 and 6 to pay the arrears of salary to the petitioner as per UGC norms from the date of appointment and to pay a compensation to the petitioner.

For Petitioner: Mr.T.Lajapathi Roy
 For R1 to R3 : Mr.A.Muthukaruppan
 Additional Government Pleader
 For R4 to R6 : Ms.Amala
 For M/s.Isaac Chambers
 For R7 : Mr.T.Sakthikumaran

ORDER

The petitioner challenges the order of discharge dated 31.05.2018.

2.The petitioner was appointed as an Assistant Professor on 16.06.2016 and her probation period was fixed two years from the date of joining. The petitioner was subsequently discharged from duty on the ground that she has not satisfactorily completed the probation on 31.05.2018.

3.The sixth respondent College has filed a counter affidavit stating that the petitioner would be entitled for grant-in-aid from the Government for the period she had worked.

4.After arguing the writ petition for sometime, the learned counsel for the petitioner took time to find out whether the petitioner is willing to resign the post of Assistant Professor.

5.Today, the learned counsel for the petitioner has filed an additional affidavit stating that the petitioner is willing to resign from the post of Assistant Professor subject to the condition that she should be paid the arrears of salary from 16.06.2016 till her date of reliving. Paragraph -4 of the said affidavit reads as follows:

"4.Hence, under the present circumstances, I undertake to submit my resignation from the post of Assistant Professor in the Respondent College, subject to their complying with their assurance as to sanction me the grant-in-aid(U.G.C Scale of pay) for my service in this institution from 16.06.2016 till my date of relief, and to provide me with the Experience Certificate, without any stigmatic remarks".

6.In view of the same, this writ petition is disposed of with the following directions. The impugned order of discharge of the petitioner is set aside. No costs. Consequently, the connected



miscellaneous petitions are closed.

7.The petitioner shall submit her resignation letter by tomorrow i.e 20.12.2018. The respondents 4 to 6 assure that the resignation of the petitioner will be accepted forthwith.

8.It is made clear that the petitioner would be entitled to the arrears of salary till date she had worked, since the petitioner had continued in service pursuant to the interim order passed by this Court till date. The order for relieving the petitioner shall be a simple order, without any stigmatic observations.

Sd/-

Assistant Registrar(cs-III)

/True Copy/

Sub Assistant Registrar(cs-III)

To

1.The Secretary
State of Tamilnadu
Department of Higher Education
Fort St.George, Chennai 600 006

2.The Director of Collegiate Education
College Road
Chennai 600 006

3.The Joint Director of Collegiate Education
Madurai Region, Madurai
Madurai District 620 020

+1cc to Mr.Isaac Chambers Advocate in SR.No.101431

+1cc to Special Government Pleader, SR.No.101311

W.P(MD)No.12239 of 2018
and

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