



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.14520 & 14521 of 2017

and

W.M.P. (MD) .Nos.13664, 11370 to 11373 and 13665 of 2017

The Principal,
Saiva Bhanu Kshatriya College,
Aruppukottai-626 101,
Virudhunagar District.

... Petitioner in both petitions

Vs.

1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
Department of Higher Education,
Fort St.George, Chennai-9.

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

3.The Regional Joint Director of Collegiate Education,
Madurai Region,
Door No.30, Vaidhyanatha Iyar Street,
Shenoy Nagar, Madurai-625 020.

...1 to 3 Respondents in both petitions

4.R.Vembu ... 4th Respondent in W.P.(MD).No.14520 of 2017

4.K.Baskaran ... 4th Respondent in W.P.(MD).No.14521 of 2017

Prayer : Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to order dated 28.07.2017 Pa.mu.No.6656/E2/2017 directing to give re-employment to the fourth respondent herein, on the file of the Regional Joint Director of Collegiate Education, Madurai Region, the third respondent herein and quash the same.



In both petitions

For Petitioner : Mr.A.V.Arun

For Respondents : Mrs.S.Srimathy

Special Government Pleader for R1 to R3
: Mr.M.Ananthapadmanaban for R4

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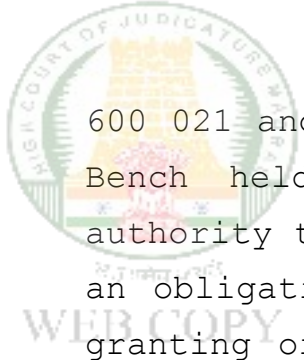
COMMON ORDER

Heard Mr.A.V.Arun, learned counsel, appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader, who takes notice for the respondents 1 to 3 and Mr.M.Ananthapadmanaban, learned counsel, for the fourth respondent in both Writ Petitions.

2.By consent of both the parties, both the main Writ Petitions are taken up for final disposal.

3.The college Management is the petitioner in both the petitions. The College Management is aggrieved by the decision of the Regional Joint Director of Collegiate Education, Madurai Region, granting re-employment to the fourth respondents herein in both the petitions. They were working as Assistant Professors in the petitioner's college. They reached the age of superannuation in the middle of the academic year. Therefore, invoking G.O.(MS).No.300 dated 08.09.2006 and the communication dated 06.06.2012, issued by the Director of Collegiate Education, the fourth respondent sought re-employment till the end of the academic year. The same was entertained by the second respondent who called upon the College Management to submit appropriate proposals in this regard. The College Management sent their detailed objections to the third respondent in this regard. The third respondent, however, by the impugned order, granted re-employment to the fourth respondent herein. The said orders are questioned in these writ petitions.

4.The learned counsel appearing for the petitioner drew the attention of this Court to the decision rendered in 2015 W.L.R.1063-
(The Principal, Sir Theagaraya College, Old Washermanpet, Chennai-



600 021 and another Vs. Veerappan and others), wherein the Division Bench held that the Regional Joint Director is the competent authority to take a decision in this regard. The management is under an obligation to submit all the information while recommending for granting or non granting the re-employment to the concerned staff. The competent authority has to necessarily take into account the objections submitted by the management and thereafter, pass a speaking order. In the present case, the impugned orders did not even make a cursory reference to the objections lodged by the petitioner. Therefore, the learned counsel for the petitioner wanted this Court to quash the orders impugned in these Writ Petitions.

5.This Court heard the learned counsel appearing for the department as well as the fourth respondents.

6.This Court is of the view that the impugned orders are liable to be quashed, since the same have been passed without considering the objections submitted by the management. Only, on this ground, the impugned orders are quashed. This Court has not pronounced anything on the merits of the matter. The matters are remitted to the file of the third respondent for fresh consideration. The third respondent is directed to pass orders afresh taking note of the objections of the petitioner/ Management within one week from the date of receipt of a copy of this order.

7.The Writ Petitions stand allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

8.The learned Special Government Pleader is called upon to communicate the decision of this Court to the third respondent.

Sd/-
Assistant Registrar (W)

/True Copy/



To

1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
Department of Higher Education,
Fort St.George, Chennai-9.

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

3.The Regional Joint Director of Collegiate Education,
Madurai Region,
Door No.30, Vaidhyanatha Iyar Street,
Shenoy Nagar, Madurai-625 020.

+1cc to M/S.A.V.ARUN, Advocate SR.No.43793.

+1cc to M/S.N.ANANTHAPADMANABAN, Advocate SR.No.43630.

+1cc to Special Government Pleader in SR.No.44352.

W.P.(MD) Nos.14520 & 14521 of 2017
23.01.2018

tsg

SDS/KKR/SAR 1/20.02.2018/4P/7C