



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2018

CORAM:

**THE HONOURABLE Mr.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

**W.A. (MD) .No.190 of 2018
and
C.M.P. (MD) No.1048 of 2018**

M.Abdulkader

... Appellant/Petitioner

Vs.

1. The Secretary,
Department of Higher Education,
Fort St. George,
Chennai-600 009.
 2. The Director of Collegiate Education,
Directorate of Collegiate Education,
EVK Sampath Building,
Chennai.
 3. The Joint Director of Collegiate Education,
Gandhi Nagar,
Vellore.
 4. The Secretary and Correspondent,
Islamiah College, (Autonomous)
Affiliated to Thiruvalluvar University,
New Town,
Vaniyambadi-635 752.
- ... Respondents/Respondents

PRAYER: This Appeal is filed under Under Clause 15 of the Letters Patent, to set aside the order dated 25.01.2018, made in W.P.(MD) No.1471 of 2018.

Prayer in WP(MD). 1471/ 2018 :

Writ Petition is 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 order passed by the 4th respondent in RC.No.AC.DP/MAK/2015 dated 29.04.2017 and quash the same as illegal and consequently direct the 4th respondent to allow the petitioner to retire along with all retirement benefits, within the stipulated period of time.



For Appellant : Mr.S.Thamizharasan
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

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JUDGMENT

(Judgment of this Court was made by **N.KIRUBAKARAN, J**)

By consent, the writ appeal is taken up for final disposal at the stage of admission itself.

2.Heard Mr.S.Thamizharasan, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

3.This writ appeal has been filed against the dismissal of the writ petition on the ground of jurisdiction stating that this Court has no jurisdiction to hear the writ petition.

4.As rightly pointed out by the learned counsel for the appellant, hyper-technical view regarding the jurisdiction has been discouraged by the Division Bench of this Court in **(2006) 2 MLJ 61 (Ex-Rect (MP) A.Madurai Veeran v. Union of India)**.

5.The impugned order dated 29.04.2017 has been served upon the appellant at Madurai, as he is residing at Madurai. Though the appellant retired from the fourth respondent College, which is outside the jurisdiction of this Bench, the service of even a notice is enough to invoke the jurisdiction. Even otherwise, the appellant is residing in Madurai and hence, he has chosen to file the writ petition before this Court and therefore, on technical grounds, the petitioner should not be prevented thereby directing the petitioner to approach the Principal Seat of this Court.

6.Therefore, the Writ Appeal is allowed and the order of the learned Single Judge is set aside and the matter is remanded to the learned Single Judge for fresh consideration in accordance with law. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary,
Department of Higher Education,
Fort St. George,
Chennai-600 009.
2. The Director of Collegiate Education,
Directorate of Collegiate Education,
EVK Sampath Building,
Chennai.
3. The Joint Director of Collegiate Education,
Gandhi Nagar,
Vellore.

+ 1 cc TO Mr.S.Thamizharasan , Advocate in SR No. 47621

Ns

AE/KKR/SAR3/10.04.2018/3P/5C

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