



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.8237 of 2013

and

M.P(MD)No.1 of 2013

Dr.A.Lingappan

... Petitioner

-vs-

1. The Director of Collegiate Education,
College Road,
Nungambakkam,
Chennai- 600 006.
2. The Joint Director of Collegiate Education,
Tiruneveli Region,
Tirunelveli.
3. G.Venkataswamy Naidu College,
represented by its Secretary,
Kovilpatti,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the third respondent, dated 29.4.2013 and to quash the same and to direct the respondents 2 and 3 to grant re-employment to the Petitioner till the end of the academic year I.e,,31.05.2013.

For Petitioner	: M/s.R.Subramanian
For Respondents	: Mr.R.Sethuraman
1 and 2	Special Government Pleader
For Respondent-3	: M/s.A.Sivaji

O R D E R

The grievance of the Writ Petitioner is that his claim for re-employment till the end of the academic year had been rejected.

2.The learned counsel appearing on behalf of the Writ Petitioner states that the order of rejection is non-speaking and no reason has been assigned, then the same has to be set aside. The learned counsel is of an opinion that extension of service is a right conferred on the Writ Petitioner and an order of rejection must contain reasons for rejection.

3.This Court is of an opinion that no doubt the order impugned in this Writ Petition did not contain any reason for rejection. However, it is stated that in the meeting held on



29.04.2013, it was decided not to grant extension of service to the Writ Petitioner.

4.The learned counsel for the third respondent states that the case of the Writ Petitioner was taken into consideration by the Management and the Writ Petitioner has not submitted any Medical Fitness Certificate and in fact, the said certificate was obtained on 28.4.2013. Therefore the case of the Writ Petitioner was not considered for granting extension of service till the end of the academic year.

5.May that it be, this Court need not go into the factual details at this length of time, in view of the fact that even at the time of filing of the Writ Petition, the Writ Petitioner was aged about 58 years and now, he would be around 63 years. Thus the question of granting extension of service to the Writ Petitioner does not arise at all. Since the Writ Petitioner had not served during the particular period, the question of payment of salary also does not arise at all. In this view of the matter, this Court is of an opinion that no further adjudication is required in this Writ Petition.

6.Accordingly, the Writ Petition stands closed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

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

2. The Joint Director of Collegiate Education,
Tiruneveli Region,
Tirunelveli.

+1cc to Spl.Government Pleader Sr.No.51322
+1cc to Mr.R.Subramanian, Advocate Sr.No.50884
+1cc to Mr.A.Sivaji, Advocate Sr.No.51089

VSN

VB/KK/SAR4/06.03.2018/2P/6C

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and**

**M.P (MD) No.1 of 2013
22.02.2018**