

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.27447 of 2017
and W.M.P.No.29364 of 2017

Dr.Ms.Hussaina Banu

...Petitioner

Versus

- 1.The Secretary,
Quaide Milleth College for Men,
Medavakkam, Chennai - 100.
- 2.Dr.Rafi,
Former Principal,
C/o Quaide Milleth College for Men,
Medavakkam, Chennai - 100.
- 3.The Regional Joint Director,
Chennai Region,
Directorate of Collegiate Education,
Saidapet, Chennai - 15.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 & 3 to consider the petitioner's representation dated 05.08.2017 and 11.08.2017 respectively and take necessary action by permitting me to continue as Assistant Professor and Head of the Department of Economics in the first respondent college and further direct the first respondent to pay the salary and other benefits for the period from 11.07.2017 till the petitioner is permitted to resume her duty.

For Petitioner : Mr.S.Kasikumar

For Respondents - 1 & 2 : Mr.N.A.Nissar Ahmed

Respondent - 3 : Mr.V.Kathirvelu,
Spl. Govt. Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 & 3 to consider the petitioner's representation dated 05.08.2017 and 11.08.2017 respectively and take necessary action by permitting me to continue as Assistant Professor and Head of the Department of Economics in the first respondent college and further direct the first respondent to pay the salary and other benefits for the period from 11.07.2017 till the petitioner is permitted to resume her duty.

2. It is the case that the petitioner have completed Masters in Economics, M.Phil and done doctorate and conferred Ph.D by the University of Madras on her successful completion. The petitioner was appointed as Assistant Professor on temporary basis in the first respondent's college by the first respondent on 25.08.2008. By proceeding viz., Rc.No.21663/G3/2011 dated 09.06.2014, the petitioner was appointed as Assistant Professor of Economics by the Director of Collegiate Education. Thereafter, she had also passed in the Departmental Examination conducted by the Tamil Nadu Public Service Commission in May 2016.

2.1 While so, when the petitioner went to college on 16.06.2017 to attend her duties, she found that her name was removed from the attendance register and she was informed to leave the college without any valid reasons by the second respondent who was retired officially on 31.05.2017. Therefore, questioning the said act of the second respondent, the petitioner made oral representations to the first respondent. Subsequently, the petitioner was allowed to join for duty on 19.06.2017 and her name was added last in the attendance register.

2.2 Again on 11.07.2017, the second respondent stopped the petitioner from entering into the class room and sent her out of the college unceremoniously. Hence, the petitioner sent a representation dated 05.08.2017 by RPAD narrating all the facts and humility and injustice caused to her at the hands of the second respondent. The said representation was received by the office of the first respondent on 10.08.2017. Since no communication was forthcoming the petitioner give a representation to the third respondent on 11.08.2017 in person enclosing a copy of representation sent to the first respondent dated 05.08.2017. However, till date, the petitioner was not

received any communication either from the office of the first respondent or from the third respondent. Hence, left with no other alternative, the petitioner has filed the present writ petition for the relief stated supra.

3. The learned counsel for the petitioner submitted that the petitioner was not served with any memo or show cause notice informing the reasons for preventing her to attend the college. He further submitted that the petitioner was appointed in the post approved and sanctioned by the Director of Collegiate Education, Chennai vide proceeding dated 09.06.2014. The petitioner made representations to the respondents 1 & 3, however, the same were not yet considered by them. He therefore prayed that the present writ petition may be allowed.

4. The learned counsel appearing for the respondents 1 & 2 submitted that the petitioner's representation is pending on the file of the first respondent's office. He further submitted that if the petitioner gives a fresh representation along with a copy of the earlier representation dated 05.08.2017 to the first respondent, then the same will be considered by the first respondent in accordance with law.

5. Heard the learned counsel on both sides.

6. In view of the submissions made by the learned counsel appearing for the respondents 1 & 2, this Court issues the following directions:

(i) The petitioner is directed to give a fresh representation along with a copy of the earlier representation dated 05.08.2017 to the first respondent.

(ii) On receipt of such representation, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, as expeditiously as possible within a period of eight weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Quaide Milleth College for Men,
Medavakkam, Chennai - 100.

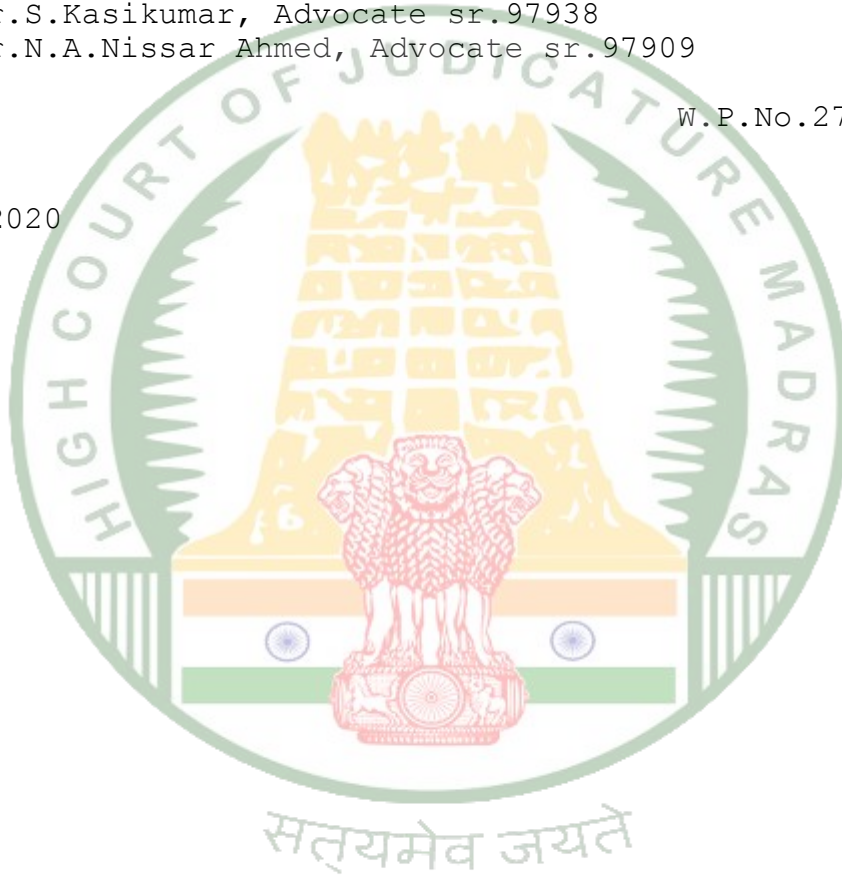
2.The Regional Joint Director,
Chennai Region,
Directorate of Collegiate Education,
Saidapet, Chennai - 15.

+1cc to Mr.S.Kasikumar, Advocate sr.97938

+1cc to Mr.N.A.Nissar Ahmed, Advocate sr.97909

W.P.No.27477 of 2017

mp(co)
nr 30/01/2020



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