



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

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W.P. (MD) No.14183 of 2019

and

W.M.P. (MD) No.10651 of 2019

Dr.C.Selva Kumar

.. Petitioner

Vs.

1.The Joint Director of Collegiate Education,
O/o. the Joint Director of Collegiate Education,
Tirunelveli.

2.The Governing Board,
Rep. by its Bishop,
Nesamony Memorial Christian College,
Marthandam - 629 165,
Kanyakumari District.

3.Nesamony Memorial Christian College,
Rep. by its Correspondent,
Marthandam - 629 165,
Kanyakumari District.

4.The Principal,
Nesamony Memorial Christian College,
Marthandam - 629 165,
Kanyakumari District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 10.06.2019, on the file of the third respondent, quash the same as illegal and consequently, for a direction, forbearing the third respondent from relieving the petitioner from the post of Head of the Department of Tamil and Research Centre in the fourth respondent College, without conducting a fair enquiry, by referring the matter to the third respondent Governing Board as per Section 46.3.C of the Constitution of the C.S.I. Kanyakumari Diocese.



For R2 to R4

: Mr. Isaac Mohanlal
Senior Counsel
for M/s. Isaac Chambers

ORDER

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This Writ Petition has been filed seeking to quash the impugned order dated 10.06.2019, on the file of the third respondent, and consequently, for a direction, forbearing the third respondent from relieving the petitioner from the post of Head of the Department of Tamil and Research Centre in the fourth respondent College, without conducting a fair enquiry, by referring the matter to the third respondent Governing Board as per Clause 46.3.C of the Constitution of the C.S.I. Kanyakumari Diocese.

2. According to the petitioner, he was working as Associate Professor-cum-Head of the Department of Tamil and Research Centre. While so, to his shock and surprise, the third respondent had issued a show cause notice to the petitioner and three other staff members, seeking explanation regarding allegations in the Study Tour and conducted enquiry and furnished the enquiry findings to the petitioner, seeking his explanation, vide proceedings dated 04.04.2019. The petitioner has also submitted his detailed explanation dated 05.04.2019, for the enquiry findings. Thereafter, on 10.06.2019, the third respondent has issued the impugned order relieving the petitioner from the post of Head of the Department of Tamil and Research Centre, without even issuing show cause notice to that effect.

3. Further, according to the learned counsel appearing for the petitioner, the third respondent is not the competent authority to take a final decision for the charges framed against the petitioner and the second respondent is the competent authority to take further action as per Clause 46.3.C of the Constitution of the C.S.I. Kanyakumari Diocese.

4. The learned Senior Counsel appearing for the respondents 2 to 4 submitted that the second respondent is the competent authority to take further action and therefore, the report and the impugned order of the third respondent may directed to be placed before the second respondent, for taking further action on the disciplinary proceedings initiated against the petitioner.

5. Recording the abovesaid submissions made by the learned counsel on either side, this Court directs the third respondent to place the report and the impugned order to the second respondent for taking further action under Clause 46.3.C of the Constitution of the C.S.I. Kanyakumari Diocese, on or before 31.08.2019. On receipt of the same, the second respondent shall take further action in accordance with the rules and regulations, as expeditiously as possible.



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

Sd/-

Assistant Registrar

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/TRUE COPY/

Sub Assistant Registrar

To

The Joint Director of Collegiate Education,
O/o. the Joint Director of Collegiate Education,
Tirunelveli.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-75629[F] dated
17/07/2019)

+1 CC to M/s.SPL GP (SR-75711[F] dated 17/07/2019)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-76076[F] dated
18/07/2019)

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16.07.2019

smn2

JM/30.07.2019/3P-5C