



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2019

CORAM

**THE HONOURABLE MR. JUSTICE R. MAHADEVAN**

W.P (MD) No.23623 of 2018

and W.M.P (MD) No.21416 of 2018

WEB COPY

K.Shameem Rani

... Petitioner

Vs.

1.The Secretary,  
MSS Wakf Board College,  
K.K.Nagar, Madurai - 625 020.

2.M.Mumtaz

3.The Director of Collegiate Education,  
College Road, Chennai - 600 009. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned relieving order, dated 25.01.2018 on the file of the first respondent and quash the same and further direct the first respondent to restore the petitioner in the post of Head of the Department in Zoology Department in the first respondent College.

|                |                                                           |
|----------------|-----------------------------------------------------------|
| For Petitioner | :Mr.G.Prabhu Rajadurai                                    |
| For R - 1      | :Mr.V.Karthik,<br>Senior Counsel<br>for Mr.V.Raghavachari |
| For R - 2      | :Mr.R.Subramanian                                         |
| For R - 3      | :Mr.S.Angappan,<br>Government Advocate.                   |

### ORDER

This Writ Petition has been filed to quash the impugned relieving order, dated 25.01.2018 passed by the first respondent and consequently, to direct the first respondent to restore the petitioner in the post of Head of the Department in Zoology Department in the first respondent College.

2.The case of the petitioner is that she joined the first respondent College as Lecturer in Zoology in the year 1996 and she has rendered 22 years of service and was promoted as the Head of the Department of Zoology. While so, the then Secretary with ulterior motives removed her from the post of H.O.D., vide impugned relieving order, dated 25.01.2018, on the allegation that the petitioner had arranged educational tour for students without the approval from the Management. Challenging the same, the petitioner has filed the present Writ Petition.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not arranged the tour as wrongly claimed, but she has only made her endorsement in the notice and hence, the impugned order cannot be sustained.

4.The first respondent filed counter-affidavit and denied the allegation made against the petitioner stating that she has discharged the administrative functions and not anything more.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.Considering the submissions made by the learned counsel on either side and considering the counter-affidavit filed, it is apparent that the impugned order came to be passed without affording any opportunity to the petitioner. In such view of the matter, the impugned relieving order, dated 25.01.2018, is liable to be set aside and accordingly, the same is set aside and the matter is remitted back to the first respondent for passing appropriate orders afresh, on merits and after affording opportunity of hearing to all the interested parties. Such an exercise shall be done by the first respondent within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,  
MSS Wakf Board College,  
K.K.Nagar, Madurai - 625 020.

2.The Director of Collegiate Education,  
College Road, Chennai - 600 009.

+1cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.52820

+1cc to Mr.R.Subramanian, Advocate, SR.No.52844

+1cc to Mr.V.Raghavachari, Advocate, SR.No.53198

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SP/28.03.2019/ 2P/6C