

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.178 of 2020

Dr.L.C.Thirumalai

.. Appellant

Vs.

1. Dr.P.Annadurai

2. The Director of Collegiate Education
DPI Compound, College Road
Chennai - 600 006.

3. The Regional Joint Director of Collegiate Education
Chennai Regional 577, Anna Salai
IASE Campus, Saidapet
Chennai - 600 015.

4. The Secretary
Pachaiyappa's Trust Board
113, E.V.R.High Road
Shenoy Nagar
Chennai - 600 030.

.. Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent against the order dated 17.12.2019 passed by the learned Single Judge in W.P.No.15365 of 2014.

WP.No.15365 of 2014:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the impugned Notification Advertisement No.01/2014 dated 18.2.2014 issued by the 3rd respondent quash the same selection in so far as Assistant Professor in Tamil and disclose the marks of all the candidates who participated in the selection and consequently direct the

respondents to appoint the petitioner as Assistant Professor Tamil and to pass orders.

For Appellant : Mr.G.Murugendran

For Respondents : Mr.N.G.R.Prasad
for 1st respondent

Mr.E.Manoharan
Addl. Government Pleader
for respondents 2 and 3

No appearance
for 4th respondent

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard learned counsel for the appellant and the learned counsel for the State as well as the learned counsel for the first respondent.

2. The appeal proceeds to challenge the judgment of the learned Single Judge dated 17.12.2019 on the ground that the learned Single Judge has completely ignored the impact of the order dated 5.12.2019 passed by the Joint Director of Collegiate Education, Chennai Region, and has proceeded to issue directions which seriously prejudice the rights of the appellant.

3. The contention raised is that the learned Single Judge proceeded to dispose of the writ petition without even calling for such documents that had a vital bearing on the entire issue. The contention, in short, of the appellant is that the appellant's services were sought to be dispensed with by the Administrator of the College vide order dated 13.11.2019 treating his appointment to be invalid on account of a non genuine certificate having been ushered by him at the time of his appointment to support his requisite qualification. This order of the Administrator was subjected to a statutory appeal before the Joint Director of Collegiate Education, who vide order dated 5.12.2019, held that the order of the Administrator is non-est, inasmuch as it is not in conformity with Section 19 (1) of the Tamil Nadu Private Colleges (Regulation) Act, 1976,

as no prior permission had been obtained from the competent authority before passing an order of removal.

4. We have heard the submissions at length and we find that the aforesaid contention of the appellant holds water, inasmuch as if the law requires a particular act to be performed in a particular manner, then it has to be performed in that manner and not otherwise. The Administrator of the college did pass the order dated 13.11.2019 admittedly without any prior permission from the Joint Director of Collegiate Education. Consequently, non consideration of such vital documents vitiates the impugned judgment.

We, accordingly, allow the appeal and set aside the impugned judgment dated 17.12.2019 and we request the learned Single Judge to decide the matter after giving an opportunity to the parties to exchange affidavits. No costs. Consequently, C.M.P.No.2616 of 2020 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sasi
To:

1. The Director of Collegiate Education
DPI Compound, College Road
Chennai - 600 006.
2. The Regional Joint Director of Collegiate Education
Chennai Regional 577, Anna Salai
IASE Campus, Saidapet
Chennai - 600 015.

+1 cc to Mr.G.Murugendran Advocate sr13970
+1 cc to Mr.Row & Reddy Advocate sr13537
+1 cc to the Government pleader sr15145

W.A.No.178 of 2020

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