

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.31720 OF 2013

N.M.Godwin Dhas

.. Petitioner

- Vs -

1. The Director
Centre for Affiliation of Institutions
Anna University, Chennai 600 025.
2. The Commissioner of Technical Education
Directorate of Technical Education
Guindy, Chennai 600 025.
3. The Regional Officer
Southern Regional Office
All India Council for Technical Education
Shastri Bhavan, No.26, Haddows Road
Nungambakkam, Chennai 600 006.
4. The Loyola Educational Trust
rep. By its Chairman
No.1/32, Rose Gardens
Agastilingam Pillai Street
P.N.Nagar, Nagercoil.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing respondents 1 to 3, especially the 2nd respondent to initiate further action against the 4th respondent/institution for the non-compliance of its Letter No.42402/TAC/2013 dated 7.10.2013 despite the specific order to release the original certificates apart from directing the 4th respondent to pay compensation to the tune of Rs.5,00,000/- together with salary from May, 2013 to up to date of returning all the original certificates or approval of the petitioner's resignation application, whichever is earlier by bringing to an end to the stalemate caused to the statutory order passed by the competent appellate authority as aforesaid.

For Petitioner : Mr. A.Amal Raj

For Respondents: Mr. V.Shanmugasundaram for R-1

Mr. A.N.Thambidurai, Spl. GP for R-2

Ms. AL. Gandhimathi for R-3

Mr. Krishna Pradeep Damodaran for R-4

ORDER

It is the case of the petitioner that after completing Post Graduate Engineering Degree, the petitioner joined the college run by the 4th respondent as Assistant professor and was working as such for six months. During the tenure of the petitioner, as the petitioner was compelled by the 4th respondent to canvass and bring students for joining the said college, the petitioner submitted his resignation letter and asked the 4th respondent to return the original certificates, which were taken by the 4th respondent at the time of appointment of the petitioner. Since no action was taken on the said request, the petitioner filed appeal before respondents 1 to 3 for a direction to the 4th respondent to return his certificates. Once again, on 7.10.13, a representation was submitted to the 2nd respondent to intervene in the matter. Pursuant to the same, the 2nd respondent conducted an enquiry and pursuant to the same, directed the 4th respondent to return the certificates to the petitioner. Even after the said order, since the 4th respondent did not return the certificates, the present petition has been filed for the relief supra.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 4th respondent and perused the materials available on record.

3. Pursuant to the admittance of the writ petition, the original certificates have been returned back to the petitioner by the 4th respondent. However, it is the grievance of the petitioner that arrears of salary has not been disbursed and compensation for the difficulties faced by him have also not been paid by the 4th respondent. In the above backdrop, learned counsel appearing on either side fairly conceded that the 2nd respondent may be directed to conduct an adjudication with regard to the arrears of salary as also the compensation that is to be paid to the petitioner and the 2nd respondent be further directed to afford an opportunity to the petitioner and the 4th respondent to put forth their case.

4. In view of the limited relief sought for, this Court, without going into the merits of the issue, directs the 2nd respondent to conduct an enquiry with regard to the arrears of

salary as also the compensation that is to be paid to the petitioner. The 2nd respondent shall also afford an opportunity to the petitioner and the 4th respondent to participate in the enquiry to put forth their case. The said exercise shall be completed by the 2nd respondent and orders be passed thereon within a period of six months from the date of receipt of a copy of this order.

5. This writ petition is disposed of with the aforesaid observation and direction. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director
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2. The Commissioner of Technical Education
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All India Council for Technical Education
Shastri Bhavan, No.26, Haddows Road
Nungambakkam, Chennai 600 006.

+1 cc to Mr.A.Amalraj, Advocate Sr.No.26231

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