



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.6159 of 2012

and

M.P(MD).No.2 of 2012

M.Gabriel

... Petitioner

-Vs-

1.The Joint Director of College Education,
Trichy Region,
Jamal Mohammed College Campus,
Trichy 20.

2.The Registrar,
Bharathidasan University,
Palkalai Perur, Trichy 24.

3.The Secretary,
St.Joseph's College (Autonomous),
Tiruchirappalli 620 002.

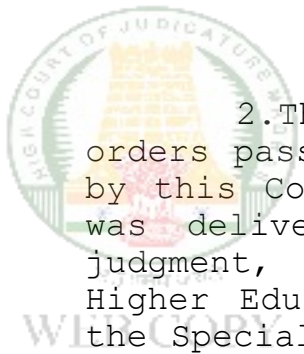
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the proceedings in SJC(S)/Tri/F.Estb/DBA/D.No.7/2012 dated 21.03.2012 on the file of the third respondent and quash the same as arbitrary, illegal, without jurisdiction and consequently, direct the third respondent to reinstate the petitioner with all benefits, backwages and continuity of service.

For Petitioner	: Mr.H.Lakshmi Shankar
For Respondents	: Mr.P.Mahenran
	Additional Government Pleader
	for R1
	Mr.V.R.Shanmuganathan
	for R2
	Mr.N.Dilipkumar
	for R3

ORDER

The writ petition on hand is filed challenging the order of termination issued by the Secretary of St.Joseph's College (Autonomous), Tiruchirappalli.



2.The entertainability of the writ petition against the orders passed by the College Management are elaborately adjudicated by this Court in W.P(MD).Nos.11785 and 11786 of 2012 and judgment was delivered on 07.08.2019. In implementation of the above judgment, the Government also issued an order in G.O.Ms.No.171, Higher Education (D2) Department, dated 24.11.2020. Accordingly, the Special Tribunals are constituted under Section 38 of the Tamil Nadu Private Colleges (Regulation) Act, 1976. The respective Principal District Courts of the Districts are notified as tribunals for the purpose of Section 38 of the Act. Accordingly, the issues raised in the present writ petition are to be adjudicated before the learned Principal District Judge, Tiruchirapalli.

3.The order of dismissal was issued by the College Management on 21.03.2012. The writ petition was filed in the year 2012 itself. The matter is pending for about 8 years. Therefore, in the event of directing the petitioner to file a fresh appeal before the Principal District Judge would cause prejudice and considering the facts, this Court is of an opinion that in the interest of justice, the writ petition is to be transferred before the learned Principal District Judge for effective adjudication and time limit is also to be fixed for the disposal of the case.

4.Thus, the Registry, Madurai Bench of Madras High Court is directed to transfer the case bundle relating to W.P(MD).No.6159 of 2012 to the file of the learned Principal District Judge, Tiruchirappalli within a period of two(2) weeks from today (i.e 18.12.2020) and the learned Principal District Judge is directed to renumber the writ petition and accordingly, proceed with the hearing of the case and dispose of the same as expeditiously as possible, preferably, within a period of six(6) months from the the date of receipt of the case bundle from the High Court.

5.Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

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/ /2020

Sub Assistant Registrar(CS)

rmk



To

1. The Registrar(Judicial),
Madurai Bench of Madras High Court, Madurai.

2.The Principal District Judge,
Triruchirappalli.

3.The Joint Director of College Education,
Trichy Region,
Jamal Mohammed College Campus,
Trichy 20.

4. The Section Officer, Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-26477[F] dated
21/12/2020)

+1 CC to M/s.H.LAKSHMI SANKAR, Advocate (SR-26506[F] dated
21/12/2020)

+1 CC to M/s.GP (SR-26613[F] dated 21/12/2020)

W.P. (MD) .No.6159 of 2012

al (CO)

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