



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.11.2020
CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD).No.17013 of 2014
and
M.P(MD).No.1 of 2014

Saraswathi

... Petitioner

-Vs-

1. The Joint Director of College Education,
Tirunelveli Region,
Tirunelveli.
2. The Secretary,
Lekshmipuram College of Arts and Science,
Neyyoor Post, Kanyakumari District.
3. The Principal,
Lekshmipuram College of Arts and Science,
Neyyoor Post,
Kanyakumari District.

... 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 pertaining to the impugned notice issued by the second respondent dated 12.09.2014 and quash the same and may consequently direct the respondents permit the petitioner to sign the attendance register for the days of 07.07.2014, 08.07.2014 and 09.07.2014 and may account those days against petitioner's service record.

For Petitioners	: Mr.A.Balakrishnan
For Respondents	: Mr.S.Dhayalan
	Government Advocate
for R1	: Mr.F.X.Eugene
for R2	: Mr.S.Sivakumar (for R3)

ORDER

The relief sought for in the present writ petition is to quash the order, dated 12.09.2014 not permitting the writ petitioner to sign the attendance register for three days and to direct the respondents to permit the petitioner to sign the attendance register for three days on 07.07.2014, 08.07.2014 and 09.07.2014.



2.The facts remains that the criminal case was registered against the writ petitioner in Crime No.45 of 2014 under Sections 147, 148, 448, 427, 324, 323 and 506(ii) IPC. The petitioner was released on conditional bail and during the relevant point of time, he was directed to appear before the Mandaikadu Police Station every day at morning. In view of the fact that the petitioner was attending the police station as per the condition imposed in the bail order, he could not able to join duty and therefore, the Management had not permitted to sign the attendance register. Subsequently, the condition was relaxed and thereafter, the petitioner was permitted to sign the attendance register. The subject period of three days were also regulated as leave eligible subject to the final decision in the criminal case and in the departmental disciplinary proceedings. As far as the relief sought for in the writ petition to direct the respondents to permit the petitioner to sign the attendance register is concerned, the same deserves no merit for consideration as during the relevant point of time the petitioner was on conditional bail and therefore, the period of three days has been treated as leave eligible. Therefore, no further consideration is required. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

The Joint Director of College Education,
Tirunelveli Region,
Tirunelveli.

+1 CC to Mr.F.X.EUGENE, Advocate (SR-22608.
+1 CC to the SPL GP SR-22698.
+1 CC to Mr.A.BALA KRISHNAN, Advocate SR-22863.

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KG (CO)
CS (07.12.2020) 2P 5C