



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.10.2020
CORAM

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

WEB COPY

W.P.(MD) No.19379 of 2014

P.Kannan

... Petitioner

Vs.

1.The Director of Collegiate Education, Chennai.

2.The Joint Director of Collegiate Education, Tirunelveli.

3.Ambai Arts College

Rep. by its Secretary, Ambasamudram
Tirunelveli District.

4.Manonmaniam Sundaranar University,

Rep. by its Registrar
Tirunelveli - 627 012.

... 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 relating to the impugned order passed by the fourth respondent in No. MSUR/CD/Prin/QA/AAC-recon./2014 dated 03.07.2014 quash the same and consequently direct the fourth respondent to grant qualification approval to the petitioner for the post of Principal and direct the respondents 1 and 2 to disburse the monetary benefits.

For Petitioner : Mr.R.Subramanian

For R-1 & R-2 : Mr.D.Muruganandham
Additional Government Pleader

For R-3 : Mr.A.Arumugam

For R-4 : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates

O R D E R

The impugned order dated 3.7.2014 issued by the Registrar of the third respondent University reveals that the petitioner has submitted a representation on 30.05.2014 and based on the representation the issues were considered and the University has



sent a reply to the impugned order stating that any proposal regarding qualification approval of Principals should be sent to the Secretary of the College concerned.

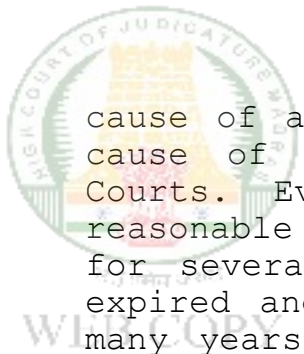
2. In view of the fact that the petitioner has retired from service on 31.01.2007, the petitioner has no right to claim qualification approval of the then force held by the petitioner in Ambai Arts College. This apart it is stated in the said order, the University has already sent a letter to the Secretary, Ambai Arts College, Ambasamudram, regarding the approval of qualification in respect of Dr, P.Kannan, in the post of Principal on 16.03.2007 which shall hold good.

3. The fact remains that the writ petitioner attained the age of superannuation and retired on 31.01.2007. Admittedly, he was holding the post of principal at the time of retirement. His grievance was that his qualification approval in the post of Principal was not barred. However, the learned counsel appearing on behalf of the respondent University brought to the notice of this Court that even the said issue was considered by the University and communication was sent to the Secretary of Ambai Arts College, on 16.03.2006 itself. The said letter, it is stated that the qualification of Dr.P.Kannan, as Principal who has been appointed in the college is not complied with, since, he is working in the superannuation period.

4. Without going deep into the merits as raised in the writ petition by the petitioner prima facie the entertainability of the writ petition is to be considered by this court. The writ petitioner admittedly retired from service on 31.01.2007. The issue regarding the qualification approval in the post of the Principal was considered by the University in the year 2007 itself and a communication was issued to the School Management. Thereafter, no action was taken by the petitioner nor the said order was passed in the year 2007 is under challenge. Contrarily he has given afresh representation on 30.05.2014 and the said representation was disposed of through by passing the impugned order.

5. This court is of the opinion that lapsed cause of action cannot be restored after many years. The period in which the grievance arose must be the point for cause of action. It is not as if a representation can be sent to the authorities after lapse of many years and the writ petition can be filed to consider the representation and if a direction is issued and thereafter, getting an order from the Authorities would not restore the cause of action and such orders to be considered as lapsed and liable to be rejected on the ground of latches.

6. In recent days, legal brains are providing suggestions to submit such representation after many years from the date of



cause of action expired. Such kind of attitude or restoration of cause of action can never be encouraged by the Constitutional Courts. Every citizen is expected to redress his grievance within a reasonable period of time. When the grievances are not redressed for several years then the cause of action is to be treated as expired and no writ petition can be entertained after a lapse of many years. Thus, even at the time of passing a direction, the Courts are to be cautious, whether the representation can be directed to be considered by the Authorities or not. Direction to consider the representation cannot be issued in mechanical or routine manner. Courts are bound to ascertain whether the cause of action arose the period in which the representation was submitted and the merits of the case and the issues are to be considered. This being the practice being developed in recent days, this court is of the considered opinion that such lapsed claims cannot be restored after several years.

7. In the present case even at the time of filing the writ petition, the writ petitioner was aged about 64 years and now he would be around 70 years and such writ petitions are filed with an idea to get some benefits knowing the fact that the petitioner retired long back. This being the principles to be followed in the present writ petition deserves no merits at all and accordingly, the same stands dismissed both on the ground of laches and on merits. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Director of Collegiate Education, Chennai.

2. The Joint director of Collegiate Education, Tirunelveli.

+1 CC to M/s.R. SUBRAMANIAN, Advocate (SR-19522[F] dated 09/10/2020)

+1 CC to M/s.Special Govt.Pleader (SR-19611[F] dated 09/10/2020)

W.P.(MD) No.19379 of 2014
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