



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

WEB COPY

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

W.P.(MD).No.20064 of 2015  
and M.P(MD).No.1 of 2015

A.Sozharaja

... Petitioner

-Vs-

1. The Director of Technical Education,  
Guindy, Chennai 600 025.

2. The Chairman,  
Governing Council,  
Arasan Ganesan Polytechnic College,  
Sivakasi.

3. The Principal,  
Arasan Ganesan Polytechnic College,  
Sivakasi.

... 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 resolution of the second respondent dated 29.10.2007 and the impugned proceedings of third respondent in Proc.No.CHIR:CIS:ACT: 2007-03 dated 29.10.2007 quash the same and consequently direct the respondents herein to reinstate the petitioner in service, regularize the period of suspension and dismissal from service of the petitioner as duty, with all service, monetary and attendant benefits to the petitioner together with interest at 12% p.am., within a reasonable time as may be fixed by this Court.

For Petitioner : Ms.G.Dhanalakshmi  
For Respondents : Mr.S.Dhayalan  
Government Advocate for R1  
Mr.N.Dilipkumar  
for R2 & R3

**ORDER**

The order impugned dated 29.10.2007 is passed by the Chairman, Governing Council, Arasan Ganesan Polytechnic College, Sivakasi, which is an Aided Institution by the Government of Tamil Nadu.



2.In view of the fact that the Correspondent of the College passed an order, the disputed facts are to be adjudicated with reference to the original documents and the evidences available on record. The said exercise cannot be done by the High Court under Article 226 of the Constitution of India. Thus, the petitioner has to exhaust the remedies by approaching the competent authority, namely Director of Technical Education for redressal of his grievances at the first instance. The disputed facts are to be adjudicated with reference to the documents and evidences and this apart, the petitioner has already reached the age of superannuation and therefore, this Court is of the opinion that the petitioner is bound to approach the first respondent for the purpose of adjudication of the issues, which are all raised in the present writ petition. Thus, the petitioner is at liberty to approach the first respondent for redressal of his grievances in the manner known to law.

3.With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2020

Sub Assistant Registrar(CS)

rmk

To

The Director of Technical Education,  
Guindy, Chennai 600 025.

+1 CC to Mr.N.DILIP KUMAR, Advocate SR-25000.  
+1 CC to M/s.G.DHANALAKSHMI, Advocate SR-25065.  
+1 CC to the SPL GP SR-25124.

**W.P. (MD) .No.20064 of 2015**

**09.12.2020**

KVN(CO)  
CS(29.12.2020) 2P 5C