



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.22565 of 2015

and

M.P(MD) .Nos.1 to 3 of 2015

WEB COPY

T.M.Venkatamurugan

... Petitioner

Vs.

1.The Joint Director of Collegiate Education,
30, Vadidyanatha Iyer Street,
Shenoy Nagar, Madurai-20.

2.The Secretary,
College Committee,
Madurai Institute of Social Science,
No.9, Alagarkoil Road,
Madurai-625 002.

3.The Principal,
Madurai Institute of Social Sciences,
No.9, Alagarkoil Road,
Madurai-625 002.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in respect of rejection of application of petitioner for VRS dated 02.12.2015 on the file of the 2nd respondent and quash the same and further directing the 2nd and 3rd respondents to forward the proposal for petitioner's pension and retirement benefits to the 1st respondent and consequently, directing the 1st respondent to sanction the pension and other retirement benefits to the petitioner on the basis of the voluntary retirement with effect from 30.09.2015.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R1	: Mr.D.Muruganandham Additional Government Pleader
For R2	: Mr.P.Chandra Bose
For R3	: No appearance

ORDER

The order passed by the second respondent/College Committee of Madurai Institute of Social Science, dated 02.12.2015, is under challenge in the present writ petition.

<https://hcservices.hcort.gov.in/hcservices/>



2.The petitioner raises certain disputes against the management and the said disputes are to be adjudicated by preferring an appeal before the Tribunal under Section 38 of the Tamil Nadu Private Colleges(Regulation) Act, 1976. In this regard, this Court elaborately considered the principles and delivered the judgment on 07.08.2019, in W.P(MD).Nos.11785 and 11786 of 2012. The order of this Court is implemented by the Government by issuing a notification in G.O.Ms.No.171, Higher Education(D2) Department, dated 24.11.2020. Accordingly, the learned Principal District Judges of the respective Districts are the Tribunal constituted for the purpose of adjudication of the issues with reference to all the Private Colleges. Thus, the Tribunal, constituted under the Tamil Nadu Private Colleges (Regulation) Act, is empowered to adjudicate the dispute arises between the management and the employees.

3.In view of the fact that the writ petition is filed in the year 2015 and pending for about 5 years instead of directing the writ petitioner to file a fresh appeal and to avoid hardship to the writ petitioner, this Court is inclined to direct the Registrar of Madurai Bench of Madras High Court, to transfer this writ petition to the Principal District Judge, Madurai, for adjudication of the issues and the learned Principal District Judge, Madurai, is directed to convert the writ petition as an appeal under the provisions of the Tamilnadu Private Colleges (Regulation) Act and adjudicate the issues and dispose of the appeal, as expeditiously as possible, preferably within a period of four months from the date of transfer.

4.Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:The Registrar Judicial, Madurai Bench of Madras High Court, is directed to transfer the case papers to the Court of the Principal District Judge, Madurai, within a period of one week from the date of receipt of a copy of this order.



To

1.The Principal District Judge,
Madurai.

2.The Secretary,
College Committee,
Madurai Institute of Social Science,
No.9, Alagarkoil Road,
Madurai-625 002.

copy to

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

2.The Section Officer, ER Section,
Madurai Bench of Madras High Court, Madurai.
(For returning of case papers to District Court, Madurai)

+1 CC to SGP (SR-25773[F] dated 16/12/2020)

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-25786[F] dated
16/12/2020)

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KM (29.12.2020) 3P 7C