



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 23.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.12297 OF 2020

M.A.Mohideen Abdul Khader

...Petitioner

.Vs.

1. The Secretary & Correspondent,
Islamiah College (Autonomous),
New Town, Vaniyambadi - 635 752
Tirupattur District.

2. The Director of Collegiate Education,
9th Floor, EVK Sampath building
College Road, Nungambakkam,
Chennai - 600 006.

...Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to pass orders on the statutory appeal preferred by the petitioner dated 26.03.2020 challenging the punishment imposed on him by the 1st respondent proceedings ref.No.A/DP/MAMAK/action initiated/2020/15 dated 29.02.2020 within a reasonable time as deem fit.

For Petitioner : Mr.K.Venkataramani
Senior Counsel
For Mr.M.Muthappan

For Respondents : Mr.I.Kowser Nissar - For R1
: Mr.Tippu Sultan - For R2
Government Advocate

O R D E R

The petitioner herein is aggrieved against the punishment imposed upon the petitioner removing him from service, by the order passed by the first respondent dated 29.02.2020. As



against the same, the petitioner has preferred an appeal before the second respondent, which is stated to be pending.

2. Since the petitioner's appeal dated 30.03.2020 as against the dismissal order was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever an appeal of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the appeal by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's appeal dated 30.03.2020 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's appeal dated 30.03.2020 on its own merits and dispose of the same within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Secretary & Correspondent,
Islamiah College (Autonomous),
New Town, Vaniyambadi - 635 752
Tirupattur District.



2. The Director of Collegiate Education,
9th Floor, EVK Sampath building
College Road, Nungambakkam,
Chennai - 600 006.

WEB COPY

+1cc to Mr.M.Muthappan, Advocate, S.R.No.35434
+1cc to the Government Pleader, S.R.No.35595

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PCH(CO)
PBS/16/08/2021