



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No.23697 of 2021

and

W.M.P.Nos.24944, 24945 & 24946 of 2021

(Through Video Conferencing)

J.Buela

...Petitioner

Vs

1.The Government of TamilNadu,
Rep., by the Principal Secretary,
Higher Education Department,
Chennai- 600 009.

2.The University of Madras,
Rep., by the Registrar,
Chepauk,
Chennai- 600 005.

3.The Loyala College,
Rep. by its Secretary and Correspondent,
Rev. Dr. D.Selvanayakam, S.J.,
Chennai -600 034

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent vide its proceedings bearing No. Nil dated 29.09.2021, terminating the petitioner from the post of Assistant Professor in the School of Service Learning (Outreach) of the 3rd respondent college, quash the same as illegal, and consequently direct the respondents herein, to reinstate the services of the petitioner with all consequential attendant benefits.

For Petitioner : M/s.M.N.Sumathy
For R1 : Mr.L.S.M.Hasan fizal
For R3 : M/s.Isaac Chambers



ORDER

The petitioner has filed this writ petition challenging the impugned proceedings dated 29.09.2021 of the 3rd respondent terminating the services of petitioner from the 3rd respondent/College. The petitioner was appointed on temporary basis on 28.07.2016 in the Department of Outreach, Loyola College, Chennai - 600 034. It appears that the petitioner was dealing with certain matrimonial dispute with her husband and that the petitioner's husband was instigating the respondent/college, to take action against the petitioner pursuant to which the 3rd respondent has terminated the service of the petitioner.

2.The learned counsel for the petitioner submits that the writ petition is maintainable as the 3rd respondent/College is a minority aided College and therefore it is governed by the provisions of the Private College Regulations Act. It is submitted that the impugned order of the 3rd respondent smacks of bias and therefore liable to be quashed.

3.Appearing on behalf of the 1st respondent, the learned Government Advocate for the 1st respondent submits that the writ petition is not maintainable as the petitioner was appointed as a Assistant Professor on a temporary basis in the Department of Outreach, Loyola College, Chennai - 34 and it is for the petitioner to file an appropriate appeal with the Provincial, Jesuit Chennai Province, Loyola College Campus, Nungambakkam, Chennai- 34 approach the Civil Court for appropriate remedy. He therefore submits that the writ petition is not maintainable.

4.By way of rejoinder, the learned counsel for the respondent submits that the petitioner has filed an appeal to the Chennai Provincial, Loyola College Campus, Nungambakkam, Chennai, which is not being disposed by the 3rd respondent. The petitioner cannot file the present writ petition against the order of the 3rd respondent in as much as the petitioner has an alternate remedy before the Jesuit Chennai Province, Loyola College Campus, Nungambakkam, Chennai - 34.

5.In case the petitioner has already filed an appeal it is for the petitioner to approach the Civil Court for appropriate directions challenging the order terminating the petitioner from service and also for an interim directions for directing the Appellate Authority to pass appropriate orders.



6. Under these circumstances, this writ petition is dismissed by giving a liberty to the petitioner to approach the Civil Court for appropriate directions to the appropriate Authority namely the Provincial, Jesuit Chennai Province, Loyola College Campus, Nungambakkam, Chennai - 34 to pass orders.

7. This Writ Petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

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To

1. The Principal Secretary,
Government of TamilNadu,
Higher Education Department,
Chennai- 600 009.
2. The Registrar,
University of Madras,
Chepauk, Chennai- 600 005.
3. The Secretary and Correspondent,
The Loyala College,
Rev. Dr. D.Selvanayakam, S.J.,
Chennai -600 034

+1 CC to M/s.M.N. Sumathy, Advocate sr 57010.

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GPL(CO)
SP(03/12/2021)