



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.628 of 2020

and

W.M.P(MD)Nos.460 and 461 of 2020

WEB COPY

T.Palanisamy

... Petitioner

Vs

1.The Director of College Education,
E.V.R.Sampath Maaligai,
Chennai.

2.The Joint Director of College Education,
Jamal Mohammed College Campus,
Tiruchirappalli.

3.The Principal,
H.H.the Rajah's College (Autonomous),
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records pertaining to the impugned communication Na.Ka.No.4576/A1/2019, dated 28.11.2019 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner	: Mr.T.Ashwin Rajasimman for M/s.T.Lajapathi Roy
For Respondent Nos.1 &2	: Mr.P.T.Thiraviam, Government Adovcate

ORDER

This writ petition is filed as against the communication of the second respondent to the Principal of the Ma.Mannar College, Pudukottai district in Na.Ka.No.4576/A1/2019, dated 28.11.2019.

2.The learned Counsel for the petitioner submits that vide impugned communication, an enquiry has been contemplated as against the petitioner based on the complaint received by the Joint Director of Collegiate Education, Trichy and the petitioner was directed to appear before the Joint Director on 03.12.2019.

3.The learned Counsel further submits that the enquiry has been contemplated with an ulterior motive to remove the petitioner from service.

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



4.Mr.P.T.Thiraviam, learned Government Advocate appearing for the respondents submits that a complaint has been received by the Joint Director from the Principal of the Ma.Mannar College, Pudukottai that the petitioner is acting against the interest of the institution and he was practicing casteism inside the institution. Therefore, based on the complaint the petitioner has been called for enquiry. However, the petitioner without even appearing for the enquiry, has filed the writ petition alleging that the enquiry has been contemplated without even furnishing the copy of the complaint to the petitioner.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.The Joint Director has received a complaint from the Principal of the Institution, where the petitioner is working as a Head of the Department and Assistant Professor, Chemistry Department. Therefore, the Joint Director has directed the petitioner to appear before her for enquiry. However, the petitioner without appearing for enquiry has filed this writ petition.

7.The proposed enquiry is only a fact finding enquiry and there is no need to furnish the complaint received by the authorities at this stage. However, on this ground the writ petition has been filed and the enquiry has been stalled for the past two years and therefore, this Court directed the learned Government Advocate to furnish a copy of the complaint to the petitioner and accordingly the same has been furnished to the petitioner's Counsel in the open court.

8.The allegations levelled against the petitioner appears to be serious in nature and therefore, the second respondent is directed to conduct enquiry with regard to the complaint received against the petitioner from the Principal of the said college and if any *prima facie* material is available against the petitioner, initiate departmental proceedings and conclude the same within a period of six months from the date of receipt of a copy of this order.

9.In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

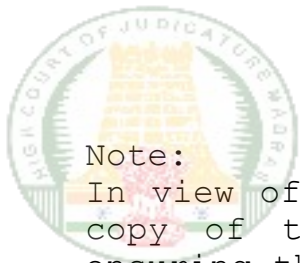
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director of College Education,
E.V.R.Sampath Maaligai,
Chennai.

2.The Joint Director of College Education,
Jamal Mohammed College Campus,
Tiruchirappalli.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-35784[F] dated 25/11/2021)

+1 CC to M/s.SPL GP (SR-35865[F] dated 25/11/2021)

W.P(MD)No.628 of 2020
24.11.2021

SJ(CO)
SB(08.12.2021) 3P 5C