



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.12.2021

CORAM:

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

**W.P(MD)Nos.9408,14147, 14195 and 14233 of 2020 and
7875 of 2021**

and

**WMP(MD)Nos. 8538, 15747, 11852, 11893, 11794 of 2020, 707, 9328,
6014, 6013 of 2021**

R.Kamal Raj	... Petitioner in WP(MD).9408 of 2020
p.Kaleel Ahamed	... Petitioner in WP(MD).14147 of 2020
Dr.T.C.Mohamed Muneeb	... Petitioner in WP(MD).14195 of 2020
M.abubacker Siddique	... Petitioner in WP(MD).14233 of 2020
Dr.S.Abideen	... Petitioner in WP(MD).7875 of 2021

Vs

1.The Joint Director of Collegiate Education,
Madurai Region,
Palam Station Road,
Madurai - 625 002,
Madurai District.

2.The Secretary,
Dr.Zakir Hussain College,
Ilayangudi 630 702,
Sivagangai District.

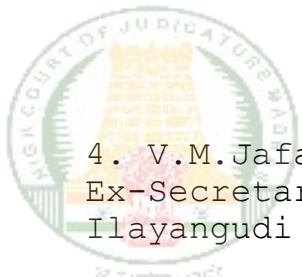
3.V.M.Jafarull Khan,

4.A.Abbas Manthiri ... Respondents in
W.P(MD)Nos.9408,14147, 14195 and 14233 of 2020

1. The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road, Madurai 625 002, Madurai
District

2. The Secretary
Dr.Zakir Husain College, Ilayangudi 630 702,
Sivagangai District

3. The Principal,
Dr.Zakir Husain College, Ilayangudi 630 702,
Sivagangai District



4. V.M.Jafarulla Khan,
Ex-Secretary, Dr.Zakir Husain College,
Ilayangudi 630 702, Sivagangai District

5. Dr.A.Abbas Manthiri
Principal, Dr.Zakir Husain College,
Ilayangudi 630 702, Sivagangai District

6. M.Rafeeq Husain
Asst. Professor, Dept. of Zoology,
Dr.Zakir Husain College, Ilayangudi 630 702,
Sivagangai District

... Respondents in WP(MD). 7875/ 2021

Prayer in WP(MD). 9408 OF 2020:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified mandamus calling for the records relating to the impugned proceedings issued by the second respondent herein in No.3239/2020 dated 10.02.2020 and the subsequent proceedings issued by the second respondent herein in No.3237 of 2020 dated 25.07.2020, quash the same and further direct the respondents herein to sanction and disburse forthwith the salary payable to the petitioner from 01.01.2020 to 08.06.2020.

Prayer in WP(MD). 14147 OF 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a writ of Certiorified Mandamus or any other appropriate Writ Order or Direction in the nature of a Writ calling for the records relating to the impugned proceedings issued by the 2nd respondent herein in No.3239/2020 dated 29.9.2020 quash the same and further Direct the respondents herein to reinstate the petitioner in service as Assistant Professor in Department of Physics in the 2nd respondent college from 01.06.2020 onwards with salary and other attendant benefits

Prayer in WP(MD). 14195 OF 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 2nd respondent herein in No. 3239/2020 dated 29.09.2020, quash the same, and further direct the respondents herein to reinstate the petitioner in service as Assistant Professor in the Department of English in the 2nd respondent-college from 01.06.2020 onwards with salary and other attendant benefits.



Prayer in WP(MD). 14233 OF 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a writ of Certiorarified Mandamus or any other appropriate Writ, Order or Direction in the nature of a Writ calling for the records relating to the impugned proceedings issued by the 2nd respondent herein in No.3227/2020 dated 25.01.2020 and No.3239/2020 dated 10.2.2020 and No.3237/2020 dated 25.7.2020 Quash the same and further Direct the respondents herein to sanction and disburse forthwith the salary payable to the petitioner from 01.01.2020 to 08.06.2020

Prayer in WP(MD). 7875 OF 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate writ, order or direction in the nature of writ, calling for the records relating to the impugned order issued by the 2nd respondent herein in proceedings No.Nil dated 16.03.2020, quash the same.

For Petitioner : Mr.E.V.N.Siva
in all WPs

WP(MD).9408 of 2020:

For Respondent : Mr.P.T.Thiraviam,
No.1 Government Advocate
For Respondent : Mr.Isaac Mohan Lal,
Nos.2 and 3 Senior Counsel for
Mr.H.Thayumanaswamy
For Respondent : No representation
No.4
Mediator : Mr.M.Ajmal Khan,
Senior Counsel

WP(MD).14147 of 2020

For Respondent : Mr.S.Saji Bino, Spl G.P. For R1
Isaac Mohanlal Sr. Counsel for R2 & 3
Mr.M.Ajmal Khan, Sr. Counsel
Mediator
R4 - No Appearance.

WP(MD).14195 of 2020

For Respondent : Mr.V.Nirmal Kumar, G.A., for R1
Isaac Mohanlal Sr. Counsel for
Mr. H.Thayaumanasamy for R2 and R3
Mr.M.Ajmal Khan, Sr. Counsel
Mediator.
R4 - No appearance.



WP (MD) .14233 of 2020

For Respondent : Mr.P.T.Thiruvima, G.A. For R1
Isaac Mohanlal Sr. Counsel for
Mr.H.Thayaumanasamy for R2 to R4
Mr.M.Ajmal Khan, Sr. Counsel
Mediator.

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WP (MD) .7875 of 2021

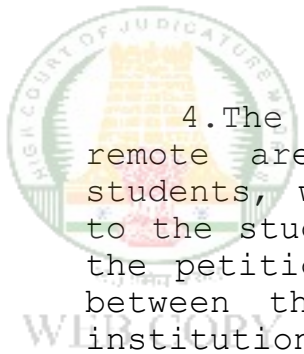
For Respondent : Mr.S.Saji Bino, Spl. G.P. For R1
Mr.V.R.Shanmuganathan for R3
Mr.Senthil Murugan for R6
mr.M.Ajmal Khan, Sr. Counsel
Mediator.
R2, R4 and R5 - No appearance.

COMMON ORDER

These petitioners, who are Assistant Professors in the respondent college have been placed under suspension and awarded with a punishment of stoppage of increment, vide impugned orders and challenging the same petitioners are before this Court.

2.Mr.E.V.N.Siva, learned Counsel for the petitioners submits that the petitioners are working as Assistant Professors in the respondent College for nearly for two decades. The respondent college is a private aided minority institution governed by the provisions of T.N.Recognised Private Colleges (Regulation) Act and Rules. While so, college celebrated its golden jubilee during the year 2009. The management has compelled the staff including the petitioners for collection of Rs.3,50,000/- for construction of golden jubilee building and handed over receipt books. Since the petitioners refused to collect the amount, they were not allowed to sign the attendance register nearly for two months and the petitioners were issued with charge memo alleging insubordination and placed the petitioners under suspension and subsequently, they have been awarded with punishment of stoppage of increment for two years without cumulative effect. The grievance of the petitioners are that the petitioners were not provided with opportunity of hearing and without conducting proper enquiry the petitioners were awarded punishment.

3.Mr.Isaac Mohanlal, learned Senior Counsel appearing for the respondent college submitted that there are more than 2500 students studying in the college. The petitioners have not followed the directions issued by the management and they were acting against the interest of the management and therefore, the enquiry was contemplated and in conclusion of the same, they were awarded with the punishment.



4.The respondent educational institution is established in a remote area with a noble object to provide education to the students, who hail from villages. The Teachers are the role models to the students and the future of the students are in the hands of the petitioners and the other professors. If there is any infight between the Management and the faculties, it would affect the institution. The ultimate sufferers will be the students. Therefore, this Court considering the nature of the issue involved and the welfare of the students studying in the institution, referred this matter for mediation and also requested the Senior Counsel Mr.A.Ajmalkhan, to mediate the issue.

(*)"5.On the best efforts taken by the learned Senior Counsel the issue between the petitioners and the management has been settled amicably. The memo of compromise filed by the parties are extracted as under :

W.P(MD)No.9408 of 2020:

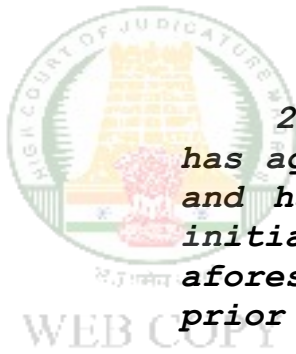
"1.The petitioner, viz., P.Kamal Raj has given a letter to the Secretary, Dr.Zahir Hussain College, Ilayngudi expressing regret and tendering apology for the events, which led to the impugned order of punishment of withholding increments for two years without cumulative effect and the said letter of regret and apology was accepted by the Secretary, Dr.Zahir Hussain College, Ilayangudi.

2.The Secretary Dr.Zahir Hussain College, Ilayangudi has agreed to withdraw the impugned order dated 25.07.2020 and had undertaken that the college management will not initiate disciplinary proceedings in respect of the aforesaid charges and the charges if any that occurred prior to this mediation, i.e., 11.12.2021.

3.The Secretary, Dr.Zahir Hussain College, Ilyangudi, the second and third respondents herein has agreed to process the disbursement of arrears of salary from 10.02.2020 to 09.06.2020 forthwith.

W.P(MD)No.14147 of 2020:

"1.The petitioner, viz., P.Kaleel Ahmed has given a letter to the Secretary, Dr.Zahir Hussain College, Ilayngudi expressing regret and tendering apology for the events, which led to the impugned order of punishment of removal from service and the said letter of regret and apology was accepted by the Secretary, Dr.Zahir Hussain College, Ilayangudi.



2.The Secretary Dr.Zahir Hussain College, Ilayangudi has agreed to withdraw the impugned order dated 29.09.2020 and had undertaken that the college management will not initiate disciplinary proceedings in respect of the aforesaid charges and the charges if any that occurred prior to this mediation, i.e., 11.12.2021.

3.The petitioner herein P.Kaleel Ahmed undertakes that he will work along with the management in a congenial atmosphere for the betterment of institution.

4.The Secretary, Dr.Zahir Hussain College, Ilyangudi, the second and third respondents herein has agreed to process the disbursement of arrears of salary from 01.06.2020 to 29.09.2020 forthwith.

W.P(MD)No.14195 of 2020:

"1.The petitioner, viz., Dr.T.C.Mohamed Muneeb has given a letter to the Secretary, Dr.Zahir Hussain College, Ilayngudi expressing regret and tendering apology for the events, which led to the impugned order of punishment of removal from service and the said letter of regret and apology was accepted by the Secretary, Dr.Zahir Hussain College, Ilayangudi.

2.The Secretary Dr.Zahir Hussain College, Ilayangudi has agreed to withdraw the impugned order dated 29.09.2020 and had undertaken that the college management will not initiate disciplinary proceedings in respect of the aforesaid charges and the charges if any that occurred prior to this mediation, i.e., 11.12.2021.

3.The petitioner herein Dr.T.C.Mohamed Muneeb undertakes that he will work along with the management in a congenial atmosphere for the betterment of institution.

4.The Secretary, Dr.Zahir Hussain College, Ilyangudi, the second and third respondents herein has agreed to process the disbursement of arrears of salary from 01.06.2020 to 29.09.2020 forthwith.

W.P(MD)No.14233 of 2020:

"1.The petitioner, viz., M.Abubacker Siddique has given a letter to the Secretary, Dr.Zahir Hussain College, Ilayngudi expressing regret and tendering apology for the events, which led to the impugned order of punishment of withholding increments for two years without cumulative effect and the said letter of regret and apology was



accepted by the Secretary, Dr.Zahir Hussain College, Ilayangudi.

2.The Secretary Dr.Zahir Hussain College, Ilayangudi has agreed to withdraw the impugned order dated 25.07.2020 and had undertaken that the college management will not initiate disciplinary proceedings in respect of the aforesaid charges and the charges if any that occurred prior to this mediation, i.e., 11.12.2021.

3.The petitioner herein M.Abubacker Siddique undertakes that he will work along with the management in a congenial atmosphere for the betterment of institution.

4.The Secretary, Dr.Zahir Hussain College, Ilyangudi, the second and third respondents herein has agreed to process the disbursement of arrears of salary from 10.02.2020 to 09.06.2020 forthwith.

W.P(MD)No.7875 of 2021:

"1.The petitioner, viz., Dr.S.Abideen has given a letter to the Secretary, Dr.Zahir Hussain College, Ilayngudi expressing regret and tendering apology for the events, which led to the impugned order of removal from the post of Head of the Department (Zoology) and the said letter of regret and apology was accepted by the Secretary, Dr.Zahir Hussain College, Ilayangudi.

2.The Secretary Dr.Zahir Hussain College, Ilayangudi has agreed to withdraw the impugned order dated 16.03.2020 and had undertaken that the college management will not initiate disciplinary proceedings in respect of the aforesaid charges and the charges if any that occurred prior to this mediation, i.e., 11.12.2021.

3.The petitioner herein Dr.S.Abideen undertakes that he will work along with the management in a congenial atmosphere for the betterment of institution.

4.The Secretary, Dr.Zahir Hussain College, Ilyangudi, the second and third respondents herein has agreed to to restore the petitioner as Head of the Department (Zoology).

(*)6.The Mediation reports filed by the learned Mediator are taken on record and by recording the said reports, these writ petitions are disposed of. The said mediation reports shall form



part this order. No costs. Consequently, consequently, connected miscellaneous petitions are closed."

Sd/-

Assistant Registrar (T&P)

**(*)Corrected as per order of this
Hon'ble Court dated 29.04.2022
made in WP(MD)Nos.9408, 14147, 14195 &
14233 of 2020 and 7875 of 2021**

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

dsk

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.

ENCL: Xerox Copy of Mediation report

To

**(*)To be Substituted the order already despatched
on 12.04.2022**

The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai - 625 002, Madurai District.

- +4 CC to Mr.H.THAYUMANASWAMY, Advocate SR.No. 39125, 39126, 39127, 39128
- +1 CC to Mr.V.R.SHANMUGANATHAN, Advocate SR.No. 39198
- +6 CC to Mr.E.V.N.SIVA, Advocate SR.No. 39315, 39316, 39317, 39318, 39319 & 16098
- +1 CC to Mr. Special Government Pleader, SR.No. 39037, 39038, 39057, 39058 & 39029

**W.P (MD) Nos.9408, 14147, 14195 and
14233 of 2020 and
7875 of 2021
15.12.2021**

KMV (CO) TR (07.04.2022) 8P 12C

GC (08.06.2022) 8P 14C

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