



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.10574 of 2021

WEB COPY

The Secretary,
Vivekananda College,
Agastheeswaram - 629 701,
Kanyakumari District.

... Petitioner

vs.

1.The Director of Collegiate Education,
Office of the Directorate of College Education,
Chennai - 6.

2.The Joint Director of Collegiate Education,
Tirunelveli Division,
Tirunelveli.

3.C.Kala Devi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to pass appropriate order on merits as per the representation of the petitioner dated 30.09.2020 and reminder dated 27.02.2021 regarding prior permission to award punishment to the third respondent working as Associate Professor in the petitioner's College, namely, Vivekananda College, Agastheeswaram - 629 701, Kanyakumari District.

For Petitioner	: Mr.K.K.Kannan
For RR 1 & 2	: Mr.P.Subbaraj Government Advocate
For R - 3	: Mr.S.Anwar Sameem for Mr.T.Antony Arul Raj

ORDER

The petitioner has filed the present Writ Petition, to direct the first respondent to pass appropriate orders on the representation of the petitioner, dated 30.09.2020 and reminder, dated 27.02.2021 regarding prior permission to award punishment to the third respondent working as Associate Professor in the petitioner's College.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.



3. According to the petitioner, he is the Secretary of the College. The third respondent was appointed as Lecturer in the Physics Department on 25.02.1991 and subsequently, she was promoted as Associate Professor in the year 2006. According to the petitioner College, while the third respondent was working in the College, she committed misconduct by not taking classes, not obeying the orders of the Principal and used filthy languages against the Principal in the presence of the students. A charge-memo, containing 7 charges, was issued to the third respondent. After conducting domestic enquiry, in which, the third respondent participated and the petitioner's College Committee, considering the enquiry report decided to terminate the service of the third respondent. As per Section 19(2) of the Tamil Nadu Private Colleges (Regulation) Act, 1976, the petitioner College sent a representation, dated 30.09.2020, to the first respondent seeking permission to terminate the service of the third respondent. The said representation is pending with the first respondent and the first respondent has not passed any order, in spite of the reminder, dated 27.02.2021. Hence, the petitioner has come out with the present Writ Petition.

4. The learned counsel appearing for the third respondent submitted that the first respondent by proceedings, dated 20.02.2021, rejected the proposal of the petitioner and therefore nothing survives for further adjudication in the present Writ Petition.

5. Considering the above rival submissions, this Court is of the view that the Writ Petition has become infructuous and therefore, the Writ Petition is dismissed. It is open to the petitioner to challenge the order, dated 2

Sd/-

Assistant Registrar (Cs-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ps

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 Collegiate Education,
Office of the Directorate of College Education,
Chennai - 6.

2.The Joint Director of Collegiate Education,
Tirunelveli Division,
Tirunelveli.

+1 CC to M/s.K.K.LAW FIRM, Advocate (SR-23002[F] dated 16/07/2021)

+1 CC to M/s.SPL GP (SR-23212[F] dated 19/07/2021)

W.P (MD) No.10574 of 2021
16.07.2021

NS (CO)
KB(30.07.2021) 3P 5C