



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.13744 of 2021 and

WMP(MD).Nos.10679, 10681 and 10682 of 2021

WEB COPY

J. Amalanathan

... Petitioner

Vs.

1.The Secretary,
St. Xavier's College (Autonomous),
Palayamkottai - 627 002.

2.The Principal-in-charge,
St. Xavier's College (Autonomous),
Palayamkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order No. Nil dated 01.02.2021 and 18.02.2021 issued by the 1st respondent, quash the same.

For Petitioner : Ms.D. Geetha

For RR 1 : Mr. K. Ragatheesh Kumar for
M/s. Issac Chambers

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order No. Nil dated 01.02.2021 and 18.02.2021 issued by the 1st respondent, quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the first respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he has been imposed with a punishment of one increment cut with cumulative effect by the impugned proceedings dated 01.02.2021 by the 1st respondent, which is contrary to the Rules and in violation of principles of natural justice since it has been passed by the 1st respondent without conducting the enquiry and without providing an opportunity to the



petitioner. Hence, the Writ Petition.

5. Today, when the Writ Petition is taken up for hearing, Mr. K. Ragatheesh Kumar, learned counsel has entered appearance for the first respondent and he would fairly submit that the impugned order of the 1st respondent cannot be sustained and that cannot be given effect to. On his advice, the respondent management has decided to recall the impugned proceedings dated 01.02.2021 and 18.02.2021 and proceed with the petitioner by issuing a fresh memo and by following the procedure as contemplated under the Rules and in accordance with law, after affording an opportunity to the petitioner.

6. The learned counsel for the petitioner, on noticing the submissions made on behalf of the respondent would submit that the petitioner has no objection and he will co-operate with the enquiry if any being conducted after issuance of a fresh memo.

7. In view of the submissions made by the learned counsel for both the parties and recording the submissions made by the learned counsel for the first respondent, the proceedings dated 01.02.2021 and 18.02.2021 impugned in the Writ Petition, are hereby set aside. The first respondent is at liberty to proceed with the disciplinary proceedings against the petitioner if so advised, by issuing a fresh notice and by following due procedure as contemplated under the Rules and in accordance with law.

8. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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+1 CC to M/s.D.GEETHA, Advocate (SR-26802[F] dated 19/08/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate(SR-26813[F] dated 19/08/2021)

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MGJ(06.09.2021) 2P 3C