



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.12.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.14246 of 2018

and

W.M.P. (MD)No.12905 of 2018

WEB COPY

A.Mohamed Jaffar

...Petitioner

/Vs./

The Haji Karutha Rowther Howdia College,
Represented by its Secretary and Correspondent,
Mr.M.Darvesh Mohaideen,
Uthamapalayam,
Theni District - 625533.

...Respondent

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent to allow the petitioner to rejoin in the post of Associate Professor of commerce in the Haji Karutha Rowther Howdia College with continuity of service and consequently direct the respondent to pay arrears of salary from the period 24.09.2016 to till date along with all other monetary and attendant benefits with time frame stipulated by this Court.

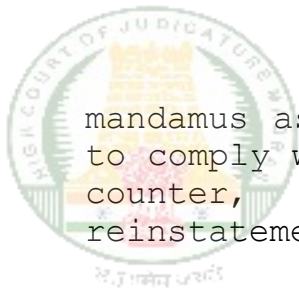
For Petitioner : Mr.Karthik
for Mr.T.Lajapathi Roy
For Respondents : Mr.A.Thirumurthy

ORDER

The petitioner has sought a mandamus directing the respondent ie., Haji Karutha Rowther Howdia College, to allow the petitioner to rejoin in the post of Assistant Professor of Commerce in the College with continuity of service and consequently direct the respondents to pay arrears of salary from the period 24.09.2016 till date with all other monetary benefits and attendant benefits.

2.A detailed counter has been filed by the College, wherein they state that the petitioner's reinstatement would be subject to no-objection to be obtained by the petitioner from the Directorate of Collegiate Education. They also reserve their right to initiate disciplinary action for not rejoining duty, upon completion of one year of leave period, as well as other allegations that they outline in the counter.

3.Seeing as the matter involves resolution of various factual issues as between the petitioner and the respondent, it would be
<https://hccs.cemts.gov.in/Service/ServiceDetails.aspx?ServiceID=1> nor appropriate for the Court to intervene by way of



mandamus as sought. The ball is now in the Court of the petitioner to comply with the requirements as set out by the respondent in their counter, upon compliance of which, the petitioner may seek reinstatement with the respondent.

4.It is the petitioner's case that the documents that he has already supplied to the college would, in fact, suffice and that there is no further documents that he is required to file before the respondent.

5.In such circumstances, there is a direction to the respondent to consider the documents already submitted to it, and pass written orders on the petitioner's request for re-instatement, after hearing the petitioner, within a period of two weeks from today.

6.This writ petition is closed as aforesaid. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

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.

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-40372[F] dated 23/12/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-40422[F] dated 27/12/2021)

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RK(31.01.2022) 2P 3C