



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.18736 of 2018

H.Hameem Musthafa

...Petitioner

/Vs./

1.The Secretary to Government of Tamilnadu,
Higher Education Department,
Secretariat,
Chennai - 9.

2.The Director of Collegiate Education,
College Road, Chennai.

3.The Joint Director Collegiate Education,
Thirunelveli Region,
Tenkasi Road, Thirunelveli,
Thirunelveli District.

4.The Registrar,
Manonmaniam Sundaranar University,
Thirunelveli, Thirunelveli District.

5.The Correspondent / Secretary,
Muslim Arts College,
Thiruvithamcode,
Kanyakumari District.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to join duty in Muslim Arts College Thiruvithamcode, Kanyakumari District, and consider the petitioner's representations dated 22/06/2018 and 04/07/2018.

For Petitioner	: Mr.S.Ramakrishnan for Mr.D.Christenson Jugunu
For R1 to R3	: Mr.D.Sadiq Raja Additional Government Pleader
For R4	: Mr.Mahaboob Athiff For M/s.Ajmal Associates
For R5	: Mr.Azeem

ORDER

The petitioner was admittedly appointed by the Muslim Arts College/R5 under an order of appointment dated 01.12.2011 in the Department of Tamil. He was in service till March, 2018. When he



attended duty on 18.06.2018, he had been restrained from entering his name in the attendance register and was informed that his services had been dispensed with. Several representations appear to have been sent by the petitioner on 22.06.2018, 04.07.2018 and 05.07.2018, all of which have met with no response.

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2.In the counter filed, R5 states that he was working in the Islamic Research Centre, which came to be closed in April 2018 and his services were thus dispensed with. They dispute the position that he was appointed in the Tamil Department stating that he does not possess the required qualification. However, the fact remains that the order of appointment dated 01.12.2011 states that the appointment of the petitioner is as an Assistant Professor in the Department of Tamil in R5 College.

3.Moreover, even if at all the services were to be dispensed with, such termination ought to have been made in a proper manner and not arbitrarily. That apart, his representations have admittedly been kept pending for long without courtesy of a reply.

4.In light of the disputed position that emerges on facts, it would only be appropriate to direct R5 College to dispose the representations of the petitioner, after hearing him. Let this exercise be completed within a period of four weeks from the date of uploading of this order upon the official website of this Court.

5.This Writ Petition is disposed as above. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

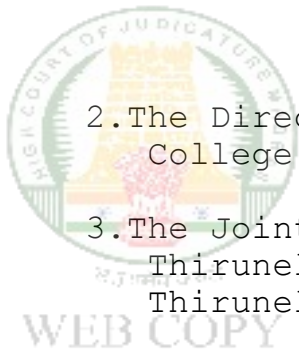
Sub Assistant Registrar(CS)

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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

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+1 CC to M/s.SPL GP (SR-37221[F] dated 03/12/2021)

+1 CC to M/s.D.CHRISHTENSON JEGUNU, Advocate (SR-37362[F] dated
06/12/2021)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-37157[F] dated 03/12/2021)

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