



WEB COPY



W.P.No.30379 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.30379 of 2015
and M.P.Nos.1 & 2 of 2015

K. Muralidoss

... Petitioner

Vs.

1.The Correspondent,
Asan Memorial College of
Engineering & Technology,
Post Box No.6, Chengalpattu – 603 001.
[Asan Nagar, 9th KM, Chengalpattu – Mahabalipuram Highway]

2.The General Secretary,
Asan Memorial College of
Engineering & Technology,
Post Box No.6, Chengalpattu – 603 001.
[Asan Nagar, 9th KM, Chengalpattu – Mahabalipuram Highway]

3.The Principal,
Asan Memorial College of
Engineering & Technology,
Post Box No.6, Chengalpattu – 603 001.
[Asan Nagar, 9th KM, Chengalpattu – Mahabalipuram Highway]

4.The Registrar,
Anna University,
Guindy, Chennai – 600 025.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned official communication of the 2nd respondent herein namely the General Secreatary, Asan Memorial College of Engineering & Technology, Post Box No.6, Chengalpattu – 603 001, AMCET/Secy/031/2015 dated 25.07.2015 quash the same as non-est in the eye of law and consequently direct the respondents 1 to 3 herein to reinstate the petitioner as Warden (Boys Hostel), Asan Memorial College of Engineering & Technology, Post Box No.6, Chengalpattu – 603 001, with effect from 25.07.2015, with attendant, service and monetary benefits together with back wages and continuity of service and pay the arrears of salary from 25.07.2015 to date of reinstatement with interest at rate of 18% per annum for the above said period together with compensation of a sum of Rs.50,00,000/- for the untold mental agony, hardship and financial sufferings, loss of pride and loss of emoluments.

For Petitioner : Mr.K.S. Govinda Prasad

For Respondents : Mr.A.R. Karunakaran [R2 & R3]

Mr.R. Meenakshi Sundaram [R4]

No appearance – R1



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ORDER

The petitioner herein was removed from his services as a Warden of the first respondent/College, through an order dated 25.07.2015, which is under challenge. Admittedly, the first respondent/College is a private college.

2. The learned counsel for the petitioner has questioned the maintainability of the present Writ Petition challenging the order of removal issued by a private college.

3. The Hon'ble Supreme Court in a recent decision in the case of ***'St. Mary's Education Society & another Vs. Rajendra Prasad Bhargava & others'*** reported in ***'2022 LiveLaw (SC) 708'*** had held that unless the removal of an employee of a non-teaching staff is regulated by some statutory provisions, its violation by the employer in contravention of law may be interfered by the Court.



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4. In all other cases, the Writ Petition under Article 226 of the Constitution of India cannot be maintained against a private college which does not discharge a public function or a public duty. Thus, a challenge to the order of removal from services issued by a private college to a non-teaching staff cannot be questioned under Article 226 of the Constitution of India in view of the decision rendered in the case of *St. Mary's Education Society* as stated (*Supra*).

5. Accordingly, the Writ Petition stands dismissed as not maintainable. The petitioner is at liberty to work out his remedy in case if any alternate remedy is available. No costs. Connected miscellaneous petitions are closed.

19.10.2022

Speaking order/Non-speaking order

Index:Yes/No

Internet: Yes/No

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M.S.RAMESH,J.

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