



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.4742 OF 2014

AND

M.P.NO.1 OF 2014

KONGUNADU ARTS AND SCIENCE COLLEGE,
represented by its Secretary,
G.N.Mills Post,
Coimbatore - 641 029.

...Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai - 600 006.
- 3.The Joint Director of Collegiate Education,
Coimbatore Region, Coimbatore.
- 4.Dr.S.Palaniswamy
(Retired Teacher)
"KURICHI"
15-B, V.P.V.Nagar,
Thudiyalur, Coimbatore - 641 034.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records of the 2nd respondent culminating in the proceedings / order Vide Mu.Mu.No.22644/F1/2012 dated 10.01.2014 and quash the same.

For Petitioner : Mr.K.Shakespeare

For Respondents : Mr.M.Bindran
Additional Government Pleader
[For R1 to R3]

M/s.K.Priyadharshini
For Mr.R.Subramanian
[For R4]



ORDER

The proceedings dated 10.01.2014 issued by the 2nd respondent/Directorate of Collegiate Education is under challenge in this present writ petition.

2. The writ petitioner is Kongunadu Arts and Science College. The learned counsel for the writ petitioner mainly contended that the 4th respondent is a retired Professor / Head of the Department of Tamil in the petitioner college and he was imposed with the punishment of 'Censure' based on certain proved allegations. The said punishment of 'Censure' reached finality and it was not challenged. Accordingly, the extension of service after his retirement till the end of academic period was not granted by the competent authorities and the learned counsel for the petitioner reiterated that the 4th respondent had not served till the end of the Academic Year. The 4th respondent was relieved on attaining the age of Superannuation. His claim for extension was rejected, which was duly accepted by the competent authorities during the relevant point of time. The 4th respondent filed a writ petition and the said writ petition was dismissed by this Court. The 4th respondent preferred the Writ Appeal in W.A.No.228 of 2012 and the Hon'ble Division Bench of this Court passed an order on 13.10.2014, which is reported in 2014 Writ L.R.1008. The Hon'ble Division Bench dismissed the Writ Appeal, holding that "charge memo was pending when the application for re-employment was submitted and ultimately, punishment of 'Censure' was issued, which has not been set aside as on date. Hence, the learned Single Judge was perfectly right in dismissing the writ petition, taking note of the conduct of the appellant".

3. When the writ petition filed by the 4th respondent, challenging the rejection of his claim for extension of service and the said writ petition was dismissed and the Writ Appeal filed by the 4th respondent was also dismissed on the ground that the punishment of 'Censure' imposed on the 4th respondent reached finality, there is no reason for the 2nd respondent thereafter to pass an order, granting the benefit for the period of extension. When the 4th respondent had not served during the relevant period of time, the 2nd respondent has now passed an order to settle the benefits. The fact remains that the 4th respondent was not allowed to continue in service beyond his actual date of retirement. His services were not extended till the end of the Academic year. Therefore, he is not entitled for the period, in which, he had not served in the department. Further, his claim for extension of service was rejected on the ground that he was facing charge memo, which was ended with order of penalty of 'Censure'. The punishment also became final.



4. This being the factum established, the order impugned is perverse and not in consonance with the judgment passed by the Hon'ble Division Bench in W.A.No.228 of 2012 dated 13.10.2014. When the Hon'ble Division Bench has rejected the writ appeal filed by the 4th respondent on the ground that he was facing charge memo during the relevant point of time and confirmed the judgment of the learned Single Judge passed in the writ petition, there is no reason whatsoever for the 2nd respondent to issue the order impugned.

5. Accordingly, the order impugned passed by the 2nd respondent in proceedings / order Vide Mu.Mu.No.22644/F1/2012 dated 10.01.2014 is quashed and consequently, the writ petition stands allowed. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

- 1.State of Tamil Nadu,
Represented by Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director of Collegiate Education,
College Road,
Chennai - 600 006.
- 3.The Joint Director of Collegiate Education,
Coimbatore Region, Coimbatore.

+1cc to Mr.R.Subramanian, Advocate Sr.No.32696

+1cc to Mr.K.Shakespeare, Advocate Sr.No.32768

W.P.No.4742 of 2014

MT(CO)
RVM(16/06/2022)