



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.857 of 2021

and

W.M.P. (MD)Nos.711 & 713 of 2021

WEB COPY

Rev.Dr.Arul Arasu Israel

: Petitioner

Vs.

1.The Director,
Directorate of Collegiate Education,
Chennai - 600 008.

2.The Joint Director of Collegiate Education,
Madurai Region,
Palam Station,
Madurai - 625 002.

3.The Governing Council of
The American College,
Rep. by its Principal & Secretary,
The American College,
Thallakulam,
Madurai - 625 002.

4.The American College,
Rep. by its Principal & Secretary,
Thallakulam,
Madurai - 625 002.

5.Dr.M.Davamani Christober

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order of suspension of the third respondent dated 16.12.2020, quash the same as illegal and in violation of principles of natural justice and to direct the respondents to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.J.Ashok

Additional Government Pleader
for R.1 & R.2

Mr.M.Mahaboob Athiff
for R.3 & R.4



ORDER

The petitioner, who is working as an Associate Professor in the fourth respondent College, was placed under suspension, pursuant to the contemplation of certain charges. As against the order of suspension and for a consequential direction for reinstatement, the petitioner has filed the instant writ petition.

2.Learned Counsel for the petitioner submitted that though the petitioner was placed under suspension on 16.12.2020, no charge memo has been issued and the enquiry has not been concluded. As per the decision of this Court in **Association of University Teachers v. State of Tamil Nadu [1991 (2) LLJ 31]**, the Tamil Nadu Private Colleges (Regulation) Act would be applicable even to minority colleges and as per the provisions of the said Act, the suspension order cannot survive more than two months. Therefore, he prayed for appropriate orders.

3.Learned Counsel appearing for the fourth respondent College submitted that the enquiry has not been completed for certain reasons, however, on that ground alone, the suspension order cannot be revoked. He further submitted that the petitioner is entitled for full salary and accordingly, he has also advised the Management to pay full salary to the petitioner, pending the enquiry.

4.In fact, the fourth respondent is paying full salary to the petitioner and the learned Counsel undertakes that the full salary would be paid to the petitioner regularly, without insisting for any certificate, so long as the petitioner is under suspension. Learned Counsel for the petitioner agreed for the said submission made by the learned Counsel for the fourth respondent College.

5.In view of the above developments, this writ petition stands closed, by recording the submission made by the learned Counsel for the fourth respondent that the petitioner would be paid full salary, so long as he is under suspension, without insisting for any certificate. No costs. Connected miscellaneous petitions shall stand closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar(CS)

gk



To

1.The Director,
Directorate of Collegiate Education,
Chennai - 600 008.

2.The Joint Director of Collegiate Education,
Madurai Region,
Palam Station,
Madurai - 625 002.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-3833[F] dated 03/02/2022)

+1 CC to M/s. M.MAHABOOB ATHIFF (AJMAL ASSOCIATES), Advocate
(SR-3891[F] dated 03/02/2022)

+1 CC to M/s.SPL.GP (SR-3989[F] dated 03/02/2022)

W.P. (MD) No.857 of 2021

AM(CO)

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