



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 14.03.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD) No.2083 of 2022

and

W.M.P.(MD) Nos.1786 & 1788 of 2022

WEB COPY

R.Sathis Kumar

... Petitioner

-vs-

1.Regional Joint Directorate of Collegiate Education,  
Through its Joint Director,  
Gandhi Nagar, Tirunelveli-627 008.

2.Vivekananda College of Arts and Science,  
Through its Secretary,  
A Unit of Vivekananda Educational Society,  
Agastheeswaram Post, Agastheeswaram,  
Kanyakumari-629702.

3.The District Collector,  
Collectorate, Nagercoil,  
Kanyakumari-629 001.

4.The State Commissioner For Pension With Disabilities,  
Lady Willingdon College Campus,  
Kamarajar Salai, Chennai-600 005.

5.R.Arun Kumar

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned suspension order memo no.C1/2733/2019 dated 22.10.2019 issued by the Respondent No.2 herein and to quash the same and consequently direct the Respondent No.2 to pay the full monthly salary from January 2020 to December 2021 (24 Months).

For Petitioner : Mr.T.Pradeep Raja  
for Mr.Arunkasi

For RR1, 3 & 4 : Mr.G.V.Vairam Santhosh,  
Additional Government Pleader

For R2 : Mr.T.Lajapathi Roy

For R5 : Mr.L.George Paulanto



**O R D E R**

The order of suspension is under challenge in the present writ petition.

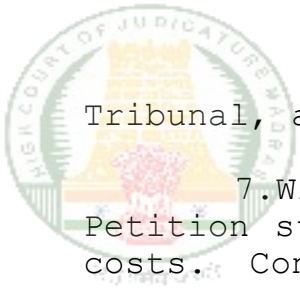
2.The petitioner was working as Lab Assistant in Vivekananda College of Arts and Science, Agastheeswaram, Kanyakumari, which is a Government Aided Private College.

3.The learned counsel appearing for the College made a submission that during the pendency of the writ petition, domestic enquiry had been concluded in all respects and the Management has taken a decision to terminate the services of the writ petitioner. Accordingly, they have submitted a proposal under the provisions of the Tamil Nadu Private Colleges (Regulation) Act (hereinafter referred to as "the Act" for brevity) seeking prior approval which is pending before the Director of Collegiate Education.

4.Under these circumstances, this Court is of an opinion that since the petitioner is an employee of the Private Aided College, he has to exhaust the appellate remedies contemplated under the provisions of the Act. Under the Act, appellate authority is contemplated. A second appeal is provided before the Tribunal, which is constituted by the learned Principal District Judges of the respective District. Therefore, the petitioner has to exhaust the remedy before approaching the High Court.

5.In respect of disciplinary proceedings, High Court cannot adjudicate the issues on merits, as it involves scrutinization of original documents and evidences. The allegation against the petitioner is misappropriation of funds. Therefore, this Court cannot issue any direction merely on misplaced sympathy as raised by the petitioner. In view of the fact that the respondent-Management has already completed the disciplinary proceedings and taken a final decision, the Director of Collegiate Education, shall consider the proposal submitted by the Management and take a decision and pass appropriate orders as expeditiously as possible. The order passed by this Court in this writ petition shall be communicated by the 1<sup>st</sup> respondent - Regional Joint Director of Collegiate Education to the Director of Collegiate Education, enabling the Director to pass orders without any loss of time. If at all any grievance exists to the writ petitioner, it is left open to him to approach the appellate authority in the manner known to law. The petitioner shall be provided with an opportunity if otherwise contemplated under the provisions of the Act.

6.Since the learned counsel for the respondent-College agreed to pay certain eligible payments, the said payments are to be paid to the petitioner within a period of four weeks from the date of receipt of a copy of this order. Thereafter, if the petitioner is not satisfied, he has to approach the appellate authority and the



Tribunal, as the case may be, before approaching this Court.

7. With the above observations and directions, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

abr

To

1. The Joint Director,  
Regional Joint Directorate of Collegiate Education,  
Gandhi Nagar, Tirunelveli-627 008.
2. The District Collector,  
Collectorate, Nagercoil,  
Kanyakumari-629 001.
3. The State Commissioner For Pension With Disabilities,  
Lady Willingdon College Campus,  
Kamarajar Salai, Chennai-600 005.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate ( SR-12024[F] dated 15/03/2022 )

+1 CC to M/s.SPL GP ( SR-12180[F] dated 15/03/2022 )

W.P. (MD) No.2083 of 2022

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