



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.15599 of 2020
and
W.M.P(MD)No.13101 of 2020

Arul Arasu Israel ... Petitioner
Vs

- 1.The Director,
The Director of Collegiate Education,
Chennai - 600 008.
- 2.The Joint Director of Collegiate Education,
Madurai Region,
Palam Station Road,
Madurai - 625 002.
- 3.The Governing Council of
the Amercian College,
Represented by its Principal and Secretary,
The American College,
Thallakulam, Madurai - 625 002.
- 4.The American College,
Represented by its Principal and Secretary,
Thallakulam, Madurai - 625 002.
- 5.M.Davamani Christoher,
Principal and Secretary,
The American College,
Thallakulam, Madurai - 625 002.
- 6.G.C.Abraham
Vice Principal, The American College,
Thallakulam, Madurai-002
- 7.J.John Sekar,
Head of Department,
Department of English,
The American College,
Thallakulam,
Madurai - 625 002.



8.J.Evangeline Manoharan,
Head of Department,
Department of Tamil,
The American College,
Thallakulam,
Madurai - 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, to call for the records in pursuance of the impugned letter dated 15.10.2020 passed by the seventh respondent and quash the same and further direct the second and third respondents to consider the petitioner's representation dated 13.10.2020 and to furnish the petitioner's copies of document pertaining to the allegation against the petitioner.

For Petitioner	: No representation
For Respondent	: Mr.G.V.Vairam Santhosh
Nos.1 and 2	Additional Government Pleader
For Respondent	: Mr.T.Antony Arul Raj
No.3	
For Respondent	: Ms.Jasima Yasmin
Nos.4-8	for M/s.Ajmal Associates

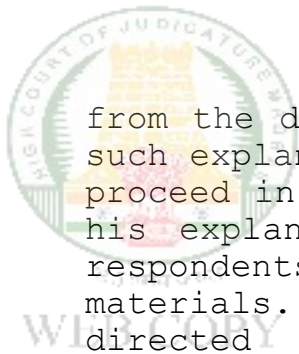
ORDER

This writ petition has been filed challenging the communication of the seventh respondent and for a consequential direction to the respondents to furnish the documents sought for by the petitioner by considering his representation.

2. There is no representation for the petitioner.

3. The learned Counsel appearing for the respondents 4 to 8 submits that this writ petition is premature since it is filed challenging the show cause notice issued to the petitioner to submit his explanation to certain charges, by appearing in the enquiry. The petitioner can very well appear and offer his explanation, but without doing so, he has straightaway filed this writ petition and therefore, this writ petition is not maintainable in view of the decision of the Hon'ble Supreme Court in *Union of India vs. Kunishetty Satyanarayana* [(2006) SCC 28].

4. Considering the materials placed on record and the submission of the learned Counsel for the respondents 4 to 8 that vide impugned show cause notice the petitioner has been directed to offer his explanation to the charges, this writ petition is disposed of with a direction to the petitioner to offer his explanation to the seventh respondent within a period of four weeks



from the date of receipt of a copy of this order and on receipt of such explanation, the seventh respondent shall consider the same and proceed in accordance with law and if the petitioner fails to offer his explanation within the stipulated period, it is open to the respondents to proceed in accordance with law, with the available materials. Further the second and third respondents are also directed to consider the petitioner's representation dated 13.10.2020 and pass appropriate orders on merits and furnish the relevant records if any, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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

- 1.The Director,
The Director of Collegiate Education,
Chennai - 600 008.
- 2.The Joint Director of Collegiate Education,
Madurai Region,
Palam Station Road,
Madurai - 625 002.
- 3.The Principal and Secretary,
The Governing Council of
the Amercian College,
The American College,
Thallakulam, Madurai - 625 002.
- 4.The Principal and Secretary,
The American College,
Thallakulam, Madurai - 625 002.
Madurai - 625 002.



5.M.Davamani Christober,
Principal and Secretary,
The American College,
Thallakulam,
Madurai - 625 002.

6.G.C.Abraham
Vice Principal, The American College,
Thallakulam, Madurai-002

7.The Head of Department,
Department of English,
The American College,
Thallakulam,
Madurai - 625 002.

8.The Head of Department,
Department of Tamil,
The American College,
Thallakulam,
Madurai - 625 002.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-1141[F] dated
11/01/2022)

W.P(MD)No.15599 of 2020
10.01.2022

NSN(CO)
TR(23.02.2022) 4P 10C