



W.P(MD)No.17107 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17107 of 2019

A.James Walter

... Petitioner

Vs

1.The President,
Governing Council of the American College,
Madurai.

2.The Principal & Secretary,
The American College,
Tallakulam,
Madurai.

3.The Joint Director of Collegiate Education,
Madurai District,
Madurai.

... Respondents

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 order passed by the second respondent in his proceedings dated 22.06.2019 and quash the same as illegal and consequently issue a direction to the respondents 1 and 2 to reinstate of the petitioner in service in the post of Assistant Professor in Zoology Department.



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For Petitioner : Mr.R.Udhayakumar

For Respondents : Mrs.H.Jasima Yasmin
for M/s. Ajmal Associates for R.2

No Appearance for R.1

ORDER

Heard the learned counsel on either side.

2. The writ petitioner seeks reinstatement as Assistant Professor in Zoology Department of American College. The petitioner was appointed on 02.07.2011 with effect from 04.07.2011 as Lecturer in the Department of Zoology. The order of appointment has been enclosed in the typed set of papers. It reads that the appointment was purely temporary and terminable on one month notice on either side. The petitioner was to be paid a consolidated salary of Rs.8,000/- per month. The petitioner alleges that he was abruptly terminated without prior notice in June 2017. Aggrieved by the same, he filed a writ petition before this Court. W.P.(MD)No.12330 of 2017 filed by the petitioner was disposed of on 04.02.2019 with direction to the Management to dispose of the petitioner's representation. Alleging that the said direction was not complied with, the petitioner even filed Cont.P.(MD)No.583 of 2019.

3. When the Contempt Petition was taken up for hearing, the petitioner was served with a copy of the impugned order dated 22.06.2019 whereby his



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request for reinstatement was negatived. The said order is put to challenge in this writ petition.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that only the Governing council could have removed him from the post and that the principal of the College did not have any jurisdiction. He would also state that without notice he had been terminated from service.

5. I am not persuaded by the said submissions advanced by the learned counsel for the writ petitioner. As rightly pointed by the learned counsel appearing for the College Management, the appointment of the writ petitioner was purely temporary and it was terminable on one month notice. She also further added that the writ petitioner was never appointed on a regular basis. Therefore, he cannot claim the right which is available to a regular employee. The question of holding any enquiry does not arise at all. She would also point out that the order of appointment was signed only by the then acting Principal. The college Principal also happens to be the Secretary of the governing council.

6. I sustain the objections raised by the learned counsel appearing for the College. However, there is no material to show that the petitioner was given a



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month's notice before he was terminated. Therefore, even while sustaining the order impugned in the writ petition, I direct the respondent College to pay the petitioner a sum of Rs.8,000/- (Rupees Eight Thousand only) representing notice pay. This amount should be paid within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

28.10.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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