



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.21995 of 2019

and

W.M.P (MD)No.18748 of 2019

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Dr.M.V.Subramanian

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
represented by its Principal Secretary,
Department of Higher Education,
St.George Fort,
Chennai-600 009.
- 2.The Director of Collegiate Education,
DPI Complex,
College Road,
Nungambakam,
Chennai - 600 006.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Circle,
Tirunelveli,
Tirunelveli District.
- 4.The Secretary,
Sri Kumaragurupara Swamigal Arts College,
Srivaikundam - 628 601,
Thoothukudi District.
- 5.The Principal,
H.H.Rajahs Government College,
Pudukottai,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents, particularly, the respondents 1 to 3 to return back the payment of Rs.2,00,346/- having been collected from the Petitioner and subsequently remitted on 19.01.2010 and 25.05.2010 in the account of the first respondent by the fourth respondent under the guise of last three months notice period salary while leaving from the fourth respondent's institution 13.09.2009 forthwith to the Petitioner.



For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.G.V.Vairam Santhosh
1 to 3 Addl.Govt.Pleader

For Respondent-4 :Mr.T.Antony Arul Raj

For Respondent-5 :No appearance

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to return back the payment of Rs.2,00,346/- having been collected from the Petitioner and subsequently remitted on 19.01.2010 and 25.05.2010 in the account of the first respondent by the fourth respondent under the guise of last three months notice period salary.

2.The petitioner was appointed as Assistant Professor of Physics in fourth respondent College. He was appointed on 16.10.1985. The petitioner participated in the process of selection as per the recruitment notification issued by the Teachers Recruitment Board. Subsequently, he was selected as Assistant Professor in Government College and appointed in Government Arts College on 14.07.2009.

3.The learned counsel appearing for the fourth respondent made a submission that without any intimation, the petitioner participated in the process of selection and he made a request for relieving. Therefore, the petitioner was asked to pay three months salary in accordance with Form-7A, which is mandatory. The petitioner has also paid the said amount in the year 2010 and got the relieving order and joined in the fifth respondent College. Now after a lapse of 9 years from the date of appointment, the petitioner has chosen to file a writ petition for getting back the said amount deposited in the year 2010.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 made a submission that the compliance of Form-7A is mandatory. Accordingly, the amount was recovered for issuing the relieving order. The said amount was deposited in the Government account by the fourth respondent College during the year 2010. In compliance with the statutory provisions, the question of returning the amount does not arise at all. This apart, the petitioner has filed the writ petition after a lapse of 9 years and thus, the writ petition is to be dismissed on the ground of laches.

5.Considering the facts and circumstances, the petitioner is not entitled for the relief and hence, the Writ Petition is



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dismissed both on the ground of merits and latches. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Record)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary,
Government of Tamil Nadu,
Department of Higher Education,
St.George Fort,
Chennai-600 009.

2.The Director of Collegiate Education,
DPI Complex,
College Road,
Nungambakam,
Chennai - 600 006.

3.The Joint Director of Collegiate Education,
Tirunelveli Circle,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.S. PALANI VELAYUTHAM, Advocate (SR-21728[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21883[F] dated 27/04/2022)

+1 CC to M/s.T. ANTONY ARUL RAJ, Advocate (SR-21965[F] dated 28/04/2022)

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RD(15.06.2022) 3P 7C