



W.P.No.2294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2294 of 2023

P.Jai Prakash

... Petitioner

Vs.

1. The Regional Director of Collegiate Education,
Chennai Region, Todd Hunter Nagar,
Nandanam, Chennai - 600 015.

2. The Secretary and Correspondent,
Loyola College (Autonomous),
Nungambakkam, Chennai - 34.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pass order on the statutory appeal preferred by the petitioner dated 16.11.2021 against the order of termination dated 27.08.2021 issued by the second respondent within the reasonable time.

For Petitioner : Mr.K.Venkatramani
Senior Counsel
for Mr.K.Dhananjayan



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For Respondent : Mr.E.Sundaran
No.1 Government Advocate

For Respondent : Mr.P.Godson Swaminathan
No.2

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ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to pass orders on the complaint/appeal given by the petitioner dated 16.11.2021 as against the order of termination issued by the second respondent dated 27.08.2021, within the time limit that may be prescribed by this Court.

2. The petitioner was working as a Lecturer / Assistant Professor in the second respondent College. By virtue of a termination order passed on 27.08.2021, the petitioner was discharged and relieved from service. Aggrieved by the same, the petitioner gave a complaint/appeal before the first respondent on 16.11.2021. Since the same was not considered by the respondent, the present Writ Petition has been filed before this Court seeking for appropriate directions.



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3. Heard Mr.K.Venkatramani, learned Senior Counsel for Mr.K.Dhananjayan, appearing for the petitioner, Mr.E.Sundaran, learned Government Advocate appearing for the first respondent and Mr.P.Godson Swaminathan, learned counsel appearing for the second respondent.

4. On carefully going through the representation dated 16.11.2021, it is seen that the same is not a statutory appeal filed under the Tamil Nadu Private Colleges (Regulation) Act, 1976 and it is more in nature of a complaint that was given to the first respondent. Even otherwise, the said Act gives a right of appeal under Section 20 as against the punishment imposed on Teachers and other persons employed in Private Colleges, who are dismissed or removed from service. Such an appeal has to be filed before the Director of Collegiate Education under Rule 14 of the Tamil Nadu Private Colleges (Regulation) Rules 1976. Admittedly, the so called complaint is not in the nature of appeal and it has not been filed before the Director of Collegiate Education.



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5. It was brought to the notice of this Court that even the right of appeal is not available to the petitioner under the Act since Section 24 (3) of the Act makes it very clear that the matters that are provided under Sections 19 to 22 will not be applicable in case of Minority Colleges. The second respondent admittedly is a Minority College and therefore, there is no scope for filing a statutory appeal as provided under the Act.

6. The only other remedy that is available to the petitioner is to file an appeal before the Chairman of the Governing Body of the second respondent College, which is also called as Provincial. It is more in the nature of an internal mechanism that is provided by the second respondent College. Since the petitioner has not availed a proper remedy, probably due to ignorance, he should be given one opportunity to file an appeal before the authority concerned.

7. In the light of the above discussions, this Writ Petition is disposed of by giving liberty to the petitioner to file appeal as against the order of termination dated 27.08.2021 before the Chairman of the Governing Body of the College (Provincial) within a period two (2) weeks from today. The said



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appeal shall be considered on its own merits and in accordance with law after providing opportunity to the petitioner and a decision shall be taken within a period of eight (8) weeks from the date of receipt of the appeal from the petitioner. If the petitioner fails to file the appeal within the time limit prescribed by this Court, the petitioner will lose his right to file an appeal as against the order of termination. There shall be no order as to costs.

01.02.2023

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Note: Issue order copy on or before 03.02.2023

To

1. The Regional Director of Collegiate Education,
Chennai Region, Todd Hunter Nagar,
Nandanam, Chennai - 600 015.
2. The Secretary and Correspondent,
Loyola College (Autonomous),
Nungambakkam, Chennai - 34.



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N.ANAND VENKATESH, J.

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