



W.P.No.5295 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.5295 of 2022 &

WMP.No.5377 of 2023

G.Geetha

... Petitioner

Vs

1. The Principal Secretary to Government of Tamilnadu,
Higher Education Department,
Fort St. George, Chennai – 600 009.
2. Dr.C.Poornachandran,
The Director of Collegiate Education,
DPI Campus, Nungambakkam, Chennai – 600 006. ... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 12.2.2022 on the file of first respondent herein in accordance with law by holding an enquiry in to the misconduct of second Respondent leaving the country for the



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period from 03.07.2000 to 26.12.2002 without seeking the leave of the first respondent to secure the ends of justice.

For petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader – R1

Mr.L.Chandrakumar – R2

ORDER

This Writ Petition has been filed to direct first respondent to consider the representation of the petitioner dated 12.2.2022 in accordance with law by holding an enquiry in to the misconduct of second Respondent leaving the country for the period from 03.07.2000 to 26.12.2002 without seeking the leave of the first respondent

2. The case of the petitioner is that second respondent was working as an Assistant Professor in Coimbatore Government Arts College and he was transferred to Government Arts College, Udumalaipet. Thereafter, he left India for three years and he was working for two years and 5 months in a foreign country without obtaining permission from the



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Government. Therefore, the impugned standing order No.5, Collegiate Education F2 dated 02.01.2006 regulating the unauthorised absence as duty hiding the fact that he was working abroad is illegal, arbitrary and not bonafide. In this regard, the petitioner has given a representation to the respondents on 12.02.2022 to take action against the second respondent for unauthorisedly leaving the country and taking up employment in the foreign country.

3. It is relevant to note that the second respondent has already been proceeded in a departmental proceedings and punishment of stoppage of increment for three years has been imposed in G.O.No.5, dated 03.01.2006. Therefore, once, the second respondent has already been proceeded departmentally, once again, the same cannot be reopened by way of mere submission of Mr.R.Sankarasubbu, learned counsel appearing for the petitioner that the punishment imposed on the second respondent is not severe and the same cannot be canvassed in this Writ Petition. Further, the above Government Order has been passed on 03.01.2006 and now the same cannot be revisited at this stage by way of



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a representation.

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4. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

08.09.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Principal Secretary to Government of Tamilnadu,
Higher Education Department,
Fort St. George, Chennai – 600 009.
2. Dr.C.Poornachandran,
The Director of Collegiate Education,
DPI Campus, Nungambakkam, Chennai – 600 006.s



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N.SATHISH KUMAR, J.

VTC

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