



WEB COPY



W.P.No.7114 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.7114 of 2022 and
W.M.P.Nos.7121 & 7122 of 2022

Dr.S.V.Arun

... Petitioner

Vs.

1.The Regional Joint Director of Collegiate Education,
Chennai Region,
IASE Campus,
Saidapet, Chennai – 600 015.

2.The Secretary,
Pachaiyappa's Trust Board,
Pachaiyappa's College Campus,
No.113, Harrington Road, Chennai-30.

3.The Secretary,
College Committee of C.Kandaswami Naidu College for Men,
Anna Nagar, Chennai-102.

4.The Principal,
C.Kandaswami Naidu,
College for Men,
Anna Nagar, Chennai-102.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ, order or direction specifically in the writ in the nature of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned suspension order and its extension orders passed by the 2nd respondent vide Reference No.A1/1639/21 dated 19.08.2021, 17.09.2021, 13.10.2021 and 10.12.2021, quash the same and consequentially direct the



W.P.No.7114 of 2022

respondents to reinstate the petitioner in service and disburse the eligible arrears of allowances and salary by consider the petitioner's representation dated 18.02.2022.

For Petitioner : Mr.G.Murugendran
For Respondents : Mr.V.P.R.Elamparithi,
Additional Government Pleader-R1
Mr.V.Govardhanan-R2
No Appearance-R3 & R4

ORDER

This Writ Petition has been filed to quash the impugned suspension order passed by the 2nd respondent *vide* Reference No.A1/1639/21, dated 19.08.2021, 17.09.2021, 13.10.2021 and 10.12.2021 and direct the respondents to reinstate the petitioner in service and disburse the eligible arrears of allowances and salary by consider the petitioner's representation, dated 18.02.2022.

2.The charge against the petitioner is that while the petitioner was serving as Director of Physical Education in the college of the 2nd respondent, one M.Jeeva lodged a complaint to the 2nd respondent alleging that the petitioner had demanded Rs.50,000/- as bribe towards the college admission in the Day College course at C.Kandasami Naidu College for Men, Chennai. Hence, the act of the petitioner constitutes grounds of gross



W.P.No.7114 of 2022

misconduct as mandated under the Service Rules. Pursuant to the complaint, the petitioner was placed under suspension by way of order of the Secretary, dated 19.08.2021 and he was also issued with the show cause notice calling for explanation. Following the same, the suspension of the petitioner was extended thrice vide orders, dated 17.09.2021, 13.10.2021 and 10.12.2021. Challenging the above said four impugned orders, the present Writ Petition has been filed.

3.The departmental enquiry was conducted by one Mr.J.Jayakumar, Advocate and he submitted a enquiry report, dated 01.03.2023. On basis of the enquiry report, the 2nd respondent has passed termination order, dated 06.04.2023 terminating the petitioner from the post of Director of Physical Education, C.Kandaswami Naidu College for Men, Chennai. Aggrieved over the same, the petitioner has preferred an appeal before the appellate authority.

4.Heard the submissions of the learned counsel for the petitioner and learned Additional Government Advocate appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent.



W.P.No.7114 of 2022

WEB COPY

5. On earlier occasion, this Court finding that the 1st respondent has passed the same orders on two different dates, directed the 1st respondent to appear before this Court with the relevant files on the next hearing i.e., on 14.09.2023. As per the order of this Court, the 1st respondent appeared and produced all relevant files.

6. On perusal of the records produced by the 1st respondent, this Court is of the view that the entire proceedings have been passed in a haste manner even without serving any notice to the other side. On further perusal, indicates that from the very inception, though repeated reminders have been sent seeking approval for termination of the petitioner, one way or other the same has not been granted. Now, the appeal filed by the petitioner has been decided hasty manner even without calling for records.

7. Though it is stated that the notice has been sent to the 2nd respondent on 05.05.2023, on perusal of entire records, there is no semblance of evidence to show that the notice has been sent on the 2nd respondent. In fact, the proceedings, dated 05.05.2023 has been made as if



W.P.No.7114 of 2022

the notice has been sent to the 2nd respondent. Even in the enquiry report, the denial of specific allegation during cross examination is also not taken into consideration, in fact, the 1st respondent has taken a decision only in order to help the petitioner. At this stage, the learned counsel for the petitioner submitted that the order, dated 18.05.2023 may be quashed and the matter may be remanded back to the other officials for consideration on merits.

8.On perusal of the records and manner in which the order has been passed, this Court is of the view that the same officer/1st respondent who passed the order cannot be permitted to deal with this matter again.

9.In such view of the matter, the order, dated 18.05.2023 is quashed and the matter is remanded back to the Director of College Education, Chennai.

10.The Director of College Education, Chennai is directed to decide the matter afresh by taking into consideration of all the circumstances and pass orders on merits and in accordance with law, within



W.P.No.7114 of 2022

a period of four months, from the date of receipt of a copy of this order.

WEB COPY

11.With the above direction, this Writ Petition stands disposed of.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

14.09.2023

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

vv2

To

1.The Regional Joint Director of Collegiate Education,
Chennai Region,
IASE Campus,
Saidapet, Chennai – 600 015.

2.The Secretary,
Pachaiyappa's Trust Board,
Pachaiyappa's College Campus,
No.113, Harrington Road, Chennai-30.

Copy To:

The Director of College Education,
Chennai.



WEB COPY



W.P.No.7114 of 2022

N.SATHISH KUMAR, J.
vv2

W.P.No.7114 of 2022

14.09.2023