



W.P.No. 31114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 26.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 31114 of 2023

and

W.M.P.Nos.30739, 30740, 30743 of 2023

Pakala Ramadas,
Principal,
Rukmani Devi College of Fine Arts,
Kalakshetra Foundation,
Kalakshetra Road, Thiruvanmiyur,
Chennai – 600 041.

... Petitioner

Vs

1. Government of India,
Rep. by its Secretary,
Ministry of Culture,
Room No. 501, 'C' Wing,
Shastri Bhavan,
New Delhi- 110 015.
2. Kalakshetra Foundation,
Rep. by its Director,
Kalakshetra Road, Thiruvanmaiur,
Chennai – 600 004.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, direction calling for the records of the 2nd respondent pertaining to the proceedings bearing No. F.No.A-48/22/2023 dated 09.10.2023 rejecting the request of re-employment of the petitioner to the post of Principal on contract basis from 01.11.2023 i.e. after the date of retirement on 31.10.2023 till the close of the next academic year read with the recruitment notification advertised on 08.10.2023 by the 2nd respondent in the official website of Kalakshetra Foundation Viz., “kalakshetra.in”(http://kalkbuckmedi21.s3.ap-south1.amazonaws.com/2023/10/Advt-Principal-RDFCA-contract-0710_23.pdf) for the post of Principal, Rukmini Devi College of Fine Arts on contract basis, quash the same and consequently direct the 2nd respondent to permit the petitioner to work on re-employment on contract basis in the post of Principal, Rukmini Devi College of Fine Arts till the end of the academic year 2023-2024.

For Petitioner : Mr.Stalin Abhimanyu

For R1 : Mr.V.Chandrasekaran

For R2 : Mr.Vaibhav R Venkatesh

ORDER

This writ petition has been filed challenging the order dated 09.10.2023 in and by which the petitioner's request to continue in the post of principal on



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contract basis till the end of academic year was rejected by the 2nd respondent/management.

2. The learned counsel for the petitioner submits that it is the normal practice to continue the persons in academic posts, considering the welfare of the students. The petitioner's case has been wrongly rejected as if he has asked for continuation for the next academic year also.

3. Per contra, learned counsel appearing on behalf of the second respondent placing the minutes of the governing body submits that governing body did not consider on the basis of next academic year but for the current academic year only. It is only a language impropriety in the impugned order.

4. The learned Counsel for the respondent also submits that there is no rule which entitles the petitioner to continue as a matter of right. Ultimate decision vests with the governing body and the governing body in its wisdom has decided not to extend the services of the petitioner. The learned counsel further submits that as per Section 14 of the Kalashethera Foundation Act,



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1993, it is governing Board which is the supreme authority of the foundation and its decision shall be final.

5. I have considered the submission made on either side.

6. As rightly contended that the learned counsel for the second respondent, there is no rule entitling the petitioner to seek for continuance until the end of the academic year. When it is the discretion of the 2nd respondent authority and when it has applied its mind and exercised its discretion not to continue, it is not for this court to interfere in exercise of its discretion and to substitute its own opinion.

7. Accordingly, finding no merits, this Writ petition is disposed of and consequently connected miscellaneous petition is closed.

26.10.2023

Internet : Yes
Index : Yes
Speaking order

kmk/nsl

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D.BHARATHA CHAKRAVARTHY

kmk/nsI

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