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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.11.2023

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THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

WP No.24573 of 2017
and WMP No. 25937 of 2017

Smt.M.Chitra

..Petitioner

Vs.

1. The Chairman,
University Grants Commission (UGC),
Bahadur Shah Zafar Marg,
New Delhi 100002

2. The Registrar,
Vels University,
Pallavaram,
Chennai 600 117

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus to direct the 2nd respondent to reinstate the petitioner back in service with the second respondent university with entire back wages.

For Petitioner	: Mr.M.L.Ramesh
For Respondents	: Mr.B.Rabu Manohar for R1 M/s.V.Meenachi Sundaram for R2



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ORDER

This writ petition has been filed for a direction to the 2nd respondent to reinstate the petitioner back in to service with the second respondent university with entire back wages.

2. The case of the petitioner is that the petitioner is a graduate in M.A.(Andragogy) and Ph.d in Andragogy. Based on the application submitted and interview attended by the petitioner, he was selected for the post of Lecturer in the Vel's Group of College. On completion of probation, she was made permanent. The petitioner was rendering her service to the utmost satisfaction of the management. During her tenure, she was promoted as “Reader” in Hotel and Catering Management in Vel's University and she was also nominated as “Member of the Academic Council” for a period of two years. In the year 2013, she was appointed as a Professor in the university and considering her sincere service, she was appointed as Chairperson for board of Studies. While the facts remained so, after the summer vacation for the academic year 2016



to 2017, the petitioner was not allowed to sign the attendance and was restrained from entering the college premises. Suddenly, the petitioner was terminated from her service without any notice or enquiry. Aggrieved by such termination, the petitioner filed this writ petition seeking for a direction to the respondent to reinstate the petitioner into service with entire back wages.

3. The learned counsel for the petitioner relied upon the order passed by this Court in WP No.5843 of 2001 wherein this Court has categorically held that however the institution is not aided by the Government, it cannot be said that the institution will not be amenable to the Jurisdiction of this Court so long as it discharges public duty and set aside the impugned order and re-instated the petitioner into service with full back wages and continuity of service and all other attendant benefits. The learned counsel for the petitioner further submitted that the above order passed by this Court will equally applies to the case of the petitioner also.



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4. The learned counsel for 2nd respondent placing reliance on the Counter affidavit dated 02.02.2022 and submitted that that several complaints were received by the management against the petitioner from the students, who were studying in her class. The Head of the Department had immediately forwarded the complaint to the 2nd respondent on 24.04.2017. Immediately, on receipt of the complaints, the petitioner was called for an oral enquiry for which the petitioner did not co-operate. The 2nd respondent taking into consideration the welfare of the students, terminated the service of the petitioner. The learned counsel for the respondent submitted this writ petition itself is not maintainable in view of the order passed in WP Nos.1185 of 2016 etc., batch wherein it has been held that since the respondent is a private unaided minority educational institution, the writ petition cannot be entertained, as it is amenable to the writ jurisdiction. The Hon'ble Supreme Court had allowed the Civil Appeal No.5789 of 2022 in the case of [St.Mary's Education Society and another Vs. Rajendra prasa Bhargava and other] and set-aside the impugned order passed by the Division bench of this



Court and rejected the writ application on the ground of its maintainability.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

6. This Court after taking into consideration the various decision rendered by the Hon'ble Supreme Court in a similar case of this nature and that the 2nd respondent is an unaided minority Educational Institution and further, the petitioner has been terminated from service as per the terms of contract, which are purely personal in nature, the writ petitioner cannot enforce a contract of personal service against a non statutory body on the premise that the 2nd respondent college adopts certain statutory provisions on that ground the writ petition filed by the petitioner is not maintainable and accordingly, the same stands dismissed. Liberty is granted to the petitioner to challenge the aforesaid order of termination before the appropriate authority and the period during which the writ petition was pending before this Court will be



excluded for the purpose of limitation. No costs. Consequently, the connected miscellaneous petition is closed.

15.11.2023

Index:Yes/No
Internet :Yes /No
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V.BHAVANI SUBBAROYAN.,J

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To

1. The Chairman,
University Grants Commission (UGC),
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New Delhi 100002
2. The Registrar,
Vels University,
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Chennai 600 117_

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