



W.P.(MD)Nos.4511 to 4519 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.4511 to 4519 of 2023

and

W.M.P(MD)Nos.4230, 4232, 4234, 4236, 4237, 4240, 4235, 4238, 4233
of 2023

W.P(MD)No.4511 of 2023:

Dr.A.Vinoth,
Assistant Professor,
Department of Mathematics,
St. Xavier's College,
Palayamkottai- 627 002,
Tirunelveli District.

... Petitioner

Vs.

1.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli – 627 003,
Tirunelveli District.

2.The Secretary,
St. Xavier's College,
Palayamkottai – 627 002,
Tirunelveli District.



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3. Rev. Fr. Dr. G. Pushparaj, S.J,
Secretary,
St. Xavier's College,
Palayamkottai – 627 002,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order issued by the second respondent herein in proceedings No. Nil dated 10.02.2023, quash the same.

For Petitioner	: Mr. E. V. N. Siva
For R-1	: Mr. J. Ashok, Additional Government Pleader
For R-2 & R-3	: Miss. M. F. Rooshi Maas for M/s. Isaac Chambers

COMMON ORDER

Since the issue arises in these writ petitions is one and the same, these writ petitions are disposed of, by way of this common order.

2. These writ petitions have been filed to quash the impugned orders passed by the second respondent herein in proceedings No. Nil, dated 10.02.2023.

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3. The case of the petitioners is that the petitioners are working as Assistant Professor in different Departments in the second respondent College. The second respondent college is a private aided minority college governed by the provisions of the Tamil Nadu Recognized Private Colleges (Regulation) Act and Rules. While so, the second respondent issued a show-cause notice, dated 19.10.2022, calling for explanations from the petitioners as to why disciplinary proceedings cannot be initiated against the petitioners as regards the alleged participation of sit-in-strike for four days. Since the contents of the above show-cause notice are false and not supported by any document, the petitioner made a request to provide the supporting documents to substantiate the show-cause notice. However, the second respondent vide letter, dated 04.11.2022, informed the petitioners that the documents sought for by the petitioners are irrelevant to the show-cause notice issued by the second respondent, dated 19.10.2022 and asked the petitioner to submit explanation, within three days. As the documents are materially required for submitting explanations, the petitioners again submitted a letter, dated 07.11.2022, requesting to furnish the supporting



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documents. However, without considering the same, the second respondent herein issued the impugned proceedings, concluding that the charges against the petitioners are proved beyond doubt and straight away imposed punishment of stoppage of increment for one year without cumulative effect. Challenging the same, the petitioners have filed these writ petitions with the aforesaid prayer.

4. The learned counsel appearing for the petitioners would submit that though the petitioners did not participate in the strike, the second respondent presumed that the petitioners participated in the strike and issued the show-cause notice and straight away imposed punishment without providing opportunity to the petitioners and without conducting any enquiry, which is a clear violation of principles of natural justice and prays for appropriate orders.

5. The learned standing counsel appearing for the respondents 2 and 3, would submit that the petitioners participated in sit-in-strike for four days and prevented the ingress and egress of the students, who had



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participated in the class. Further, during night hours, they raised slogans and thereby, caused disturbance to the Jesuits Fathers and for which, disciplinary proceedings was against the petitioners and after receipt of explanation from the petitioners only, the punishment was imposed. The learned counsel would further submit that the documents sought for by the petitioners are irrelevant to the show-cause notice issued to them and prays for dismissal of these writ petitions.

6. Heard the learned counsel appearing for the petitioners, the learned Additional Government Pleader appearing for the first respondent, the learned counsel appearing for the respondents 2 and 3 and perused the materials placed before this Court.

7. Admittedly, the petitioners sought for certain supporting documents to substantiate the show-cause notice issued against them. However, without providing the documents sought for by the petitioners, the second respondent has straight away passed orders imposing punishment, which is a clear violation of principles of natural justice and



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on that sole ground, the impugned orders are liable to be set aside.

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8. Accordingly, these writ petitions are allowed and the impugned orders passed by the second respondent, dated 10.02.2023, are hereby set aside and the matter is remanded back to the second respondent for considering the matter afresh. The second respondent is directed to conduct enquiry afresh and pass orders after providing opportunity to the petitioners and after providing the documents sought for by the petitioners. No Costs. Consequently, connected miscellaneous petitions are closed.

03.03.2023

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NCC:Yes/No

Internet:Yes/No



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M.DHANDAPANI,J.

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