



W.P.(MD)No.3725 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.3725 of 2019

and

W.M.P.(MD).Nos.2928 & 6013 of 2019

1.Lekshmipuram College Society,
Eraniel,
Neyoor-629 802,
Kanyakumari District,
Represented by its President.

2.Lakshmipuram College of Arts and Science,
Neyoor-629 802,
Kanyakumari District,
Represented by its Secretary.

... Petitioners

Vs

1.The Account General of Tamil Nadu,
Anna Salai,
Chennai-600 018.

2.The Director of Collegiate Education,
College Road,
Chennai-600 006.

3.The Regional Joint Director of Collegiate Education,
Tirunelveli, Tirunelveli District.

4.The Principal,
Lekshmipuram College of Arts and Science,
Neyoor-629 802,
Kanyakumari District.



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5.R.David Raja Bose,
Principal,
Lekshmipuram College of Arts and Science,
Neyoor-629 802,
Kanyakumari District.

6.T.Letchumanan

7.Indian Overseas Bank,
Eraniel,
Neyoor P.O.,
Kanyakumari District,
Pin-629 082,
Represented by its Branch Manager.

8.The Administrative Officer,
(Self Financed Section),
Lekshmipuram College of Arts and Science,
Neyoor-629 802,
Kanyakumari District.

9.Lekshmipuram College Socety (10 of 1964),
Eraniel, Neyoor Post,
Kanyakumari District,
represented by its President,
Lakhsmana Pillai

...Respondents

(Respondent No.9 is impleaded vide Court Order dated 26.03.2019 in
W.M.P.(MD).No.4352 of 2019 in W.P.(MD).No.3725 of 2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing respondent Nos.1 to 3 to forbear from taking any action for granting permission to the fifth respondent to retire from service or to give any retirement benefit to him till the fifth respondent pays all dues to the petitioners and obtain their non-objection certificate for his retirement from service.



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For Petitioners : Mr.K.N.Thampi
For R-1 : Mr.P.Gunasekaran
For R-2 & R-3 : Mr.Jeyaselan
Government Advocate

For R-4 & R-5 : Mr.Shabu Jose
for M/s.Isaac Chambers

For R-7 : Mr.E.Mariselvam

For R-8 : Mr.C.Cenil

For R-9 : Mr.C.Godwin

For R-6 : No Appearance

ORDER

The Writ Petition is filed with a prayer to forbear the respondents from granting permission to the fifth respondent to retire from service or from giving any retirement benefits to him till the fifth respondent pays all the dues to the petitioners' Society.

2. Today, when the matter came up for hearing, learned Government Advocate has produced before this Court a copy of the proceedings, dated 09.02.2022 of the Joint Director of Collegiate Education and a copy of the proceedings, dated, 19.11.2019 of the District Collector, Kanyakumari and the communication of the Joint Director of Collegiate



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Education to the Principal, Lekshmipuram College of Arts and Science College,

by which, it is clear that the fifth respondent has already been permitted to retire from service and the retirement benefits of the fifth respondent has already been paid.

3. In that view of the matter, the prayer in the writ petition has become infructuous. Accordingly, the writ petition is dismissed as having become infructuous. However, liberty is given to the petitioners' society to take such appropriate proceedings in the manner known to law to recover all the dues from the fifth respondent. No costs.

05.09.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The Director of Collegiate Education,
College Road,
Chennai-600 006.

2.The Regional Joint Director of Collegiate Education,
Tirunelveli, Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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