



W.P.(MD).No.15558 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15558 of 2023

and

W.M.P(MD) Nos.13078 and 22189 of 2023

Dr.P.Ragupathi

... Petitioner

Vs.

1. The Director of Collegiate Education,
Office of the Director of Collegiate Education,
Chennai – 15.

2. The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai – 625 021.

3. The Principal,
Government Arts & Science College,
Thirumangalam,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the third respondent vide his proceedings in Na.Ka.No.170/A/2023, dated 15.05.2023 and quash the same.



W.P.(MD).No.15558 of 2023

WEB COPY

For Petitioner : Mr.K.Raghul Priyan
For Respondents : Mr.N.GA.Natraj
Government Advocate
for R1 and R3
: Mr.T.Cibichakraborty
for R2

ORDER

The present writ petition has been filed by a Guest Lecturer working in the third respondent College challenging the order of termination.

2. An FIR was registered as against the writ petitioner on 29.04.2023 and he was arrested on the same day. Admittedly, he was released on bail only on 25.05.2023.

3. The third respondent had suspended the writ petitioner on 10.05.2023. As per the impugned order, an enquiry is said to have been conducted and he has been terminated from his service, by an order, dated 15.05.2023 with effect from 29.04.2023 the date on which, the petitioner was arrested.



W.P.(MD).No.15558 of 2023

WEB COPY

4. The learned counsel appearing for the petitioner had contended that he was appointed in the second respondent herein and hence, the impugned order of termination cannot be passed by the third respondent.

5. The learned Standing Counsel appearing for the second respondent herein pointed out that at the relevant point of time when the petitioner was appointed, the third respondent College was an aided College and hence, the appointment was made by the second respondent. Thereafter, the College was converted into a Government Arts and Science College and they have no role to play whatsoever in the disciplinary proceedings initiated as against the writ petitioner.

6. The learned counsel appearing for the petitioner had contended that an enquiry is said to have been conducted as per the impugned order while he was in judicial custody and the order is stigmatic in nature. He never had any opportunity to defend himself in the disciplinary proceedings.

7. A perusal of the impugned order clearly indicates that while the



W.P.(MD).No.15558 of 2023

petitioner was in judicial custody, enquiry has been completed and the order of removal from service itself has been passed. Since the order is stigmatic in nature, the order is liable to be set aside.

8. In view of the above said facts, the order impugned in the writ petition is set aside and the third respondent is at liberty to conduct a fresh enquiry after giving due opportunity to the writ petitioner. The third respondent is at liberty to continue the enquiry from the stage of the suspension of the writ petitioner.

9. With the above said observations, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

10.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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W.P.(MD).No.15558 of 2023

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W.P.(MD).No.15558 of 2023

R.VIJAYAKUMAR,J.

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W.P(MD)No.15558 of 2023

10.11.2023



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W.P.(MD).No.15558 of 2023