



W.P.(MD)No.23118 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.23118 of 2022

and

W.M.P(MD)Nos.17220, 17222 & 22100 of 2022

Shobana Nelasco

... Petitioner

Vs.

1.The Director of Collegiate Education,

Anna Salai,

Saidapet,

Chennai - 15.

2.The Regional Joint Director of Collegiate Education,

Madurai.

3.Fatima College (Autonomous)

Represented by its Secretary,

Madurai - 625 018.



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4.P.R.Prithviraj

The Enquiry Officer,

Fatima College,

Madurai - 625 018.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order, dated 22.09.2022 and the Consequential impugned order, dated 22.09.2022 on the file of the Respondent No.3 quash the same as illegal and consequently for a direction directing the Respondent No.4 to conduct *de novo* enquiry by way of permitting the petitioner to have defence assistant in pursuance to the proceedings of the Respondent No.2, dated 14.09.2022.

For Petitioner : Shobana Nelasco (Party-in-person)

For Respondents : Mr.T.Amjadkhan - for R1 & R2

Government Advocate

M/s.A.Amala - for R3



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ORDER

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This writ petition has been filed to quash the impugned order, dated 22.09.2022 and the Consequential impugned order, dated 22.09.2022 on the file of the Respondent No.3 and consequently directing the Respondent No.4 to conduct *de novo* enquiry by way of permitting the petitioner to have defence assistant in pursuance to the proceedings of the Respondent No.2, dated 14.09.2022.

2. The petitioner collected change of vakalat from the counsel on record and appear before this Court.

3. The sum and substance of the petitioner case is that the petitioner was appointed in the post of Assistant Professor on 08.08.1989 in the FIP vacancy and thereafter, appointed in regular vacancy in the Department of Economics and thereafter, she was promoted to the post of Associate Professor under CAS Scheme and further posted as Head of the Department of Economics in the third respondent College and she rendered



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more than 30 years of unblemished service with remarkable contribution.

While so, the respondents in order to wreck vengeance for some reason or other, imposed a punishment of stoppage of increment for two years and thereafter, initiated another disciplinary proceedings against the petitioner. The petitioner submitted an application for providing the defence helper and the said defence helper's request was rejected by the respondents. Challenging the rejection of the defence helper as well as the impugned show-cause notice, the present writ petition is filed.

4. While admitting the writ petition, this Court granted an order of interim stay on 30.09.2022. Accordingly, she prayed for appropriate orders.

5. The learned counsel appearing for the third respondent submitted that during the pendency of the writ petition, the petitioner had submitted a VRS application on 01.11.2022 before the College Management and the said VRS application was processed and thereafter, she was relieved from service on 31.01.2023 and the third respondent College Management has not inclined to proceed the disciplinary proceedings which was initiated



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against the petitioner, since the petitioner submitted the VRS application, they are not intended to impose a punishment in the impugned disciplinary proceedings.

6. The petitioner, who appeared party-in-person before this Court seeks liberty before this Court to challenge the reliving order passed on the VRS application, since she has 5 more years of service in the respondent College.

7. Heard the petitioner (party-in-person), the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

8. The facts in the present case are not in dispute. Admittedly, the petitioner rendered 30 years of service as Head of Department in the third respondent College and at the fag end of the career, the third respondent College Management initiated disciplinary proceedings against the petitioner, in which, the petitioner filed an application for defence helper



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and that was rejected. Challenging the rejection of defence helper and show cause notice, the present writ petition is filed.

9. However, the fact remains that when the writ petition is pending, the petitioner submitted a VRS application, that was processed and the third respondent College Management passed the alleged relieving order. Further, the learned counsel appearing for the third respondent College Management categorically submitted that the College Management not going to proceed further with the departmental proceedings, since the petitioner had already filed VRS application and they are not going to impose punishment to the petitioner in the impugned disciplinary proceedings.

10. In view of the fair submission that the third respondent College Management is not intended to proceed with the disciplinary proceedings, the prayer sought for in the writ petition has become infructuous.



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11. The petitioner submitted that though the petitioner made VRS application, subsequently, she made a representation to extend the VRS application for a further period of two months and however, without consulting the petitioner, they passed the relieving order, which was challenged by way of appeal before the appellate authority.

12. Accordingly, this writ petition is disposed of. However, liberty is granted to the petitioner to work out her remedy in the manner known to law, in respect of relieving order issued by the third respondent College Management. No costs. Consequently, connected miscellaneous petitions are closed.

23.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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M.DHANDAPANI, J.

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