



W.P(MD)No.24290 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24290 of 2023

and

W.M.P(MD)Nos.20479,20480 & 20482 of 2023

N.Tensingh Baliah

... Petitioner

Vs.

1.The Joint Director of Collegiate Education,
Madurai Region,
Madurai District.

2.The Secretary,
Ayya Nadar Janaki Ammal College,
Sivakasi,
Virudhunagar District.

3.The Principal,
Ayya Nadar Janaki Ammal College,
Sivakasi,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned suspension order passed by the 2nd respondent in his proceedings No.Nil, dated 02.12.2021 and quash the same as illegal and consequentially to direct the respondents to pay full salary after completion of 4 months period and pay the arrears



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arising thereon in terms of Section 19(3)(a) and (b) of the Tamil Nadu Private Colleges (Regulation) Act 1976 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar

For R1 : Mr.N.GA.Natraj
Government Advocate

For R2 & R3 : Mr.M.Senthil Kumar

ORDER

The present writ petition has been filed by an Assistant Professor of a private aided college challenging the order of suspension.

2. The petitioner was placed under suspension on 02.12.2021 on the ground that he was implicated in a criminal case in Crime No.19 of 2022 on 01.12.2021. According to the learned counsel appearing for the writ petitioner, he was acquitted from the criminal case on 29.08.2022. Since the petitioner is working in the aided college, the Government had already paid 50% of the salary for the period between December 2021 to March 2022.



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3. According to the learned counsel appearing for the respondent management, the disciplinary proceedings have been completed and the enquiry report has been submitted to the management. It has to be considered by the college committee and a decision has to be taken.

4. As per the Private Colleges (Regulation) Act, only if the suspension period extends upto a period of 4 months, the Government will pay the salary. For the balance period, if the management wants to keep the employee out of employment, the management alone has to pay the salary amount. However, the management has expressed some difficulty in making payment to the concerned faculty member on the ground that he was in judicial custody for a period of 2 months. The management has expressed the view that the period during which he was in judicial custody, he may not be entitled to any salary. However, this Court is not inclined to consider the said view at this relevant point of time. The issue relating to payments of salary during the period of judicial custody is left open. The management is directed to pay the salary from June 2022 onwards on completion of the disciplinary proceedings.



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5. In view of the above said facts, the 3rd respondent is directed to pass final orders after consultation with the college committee within a period of six (6) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.12.2023

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

1.The Joint Director of Collegiate Education,
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Madurai District.

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3.The Principal,
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Sivakasi,



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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.24290 of 2023

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