



WEB COPY



WA No.1406 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WA No.1406 of 2019

Md.Abdul Qadir

... Appellant

versus

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Higher Education Department,
Fort. St.George,
Chennai-600 009.
- 2.The Director of Collegiate Education,
9th Floor, E.V.K.Sampath Maaligai,
College Road, Nungambakkam,
Chennai-600 006.
- 3.The Regional Joint Director of Collegiate Education,
Chennai Region, Saidapet,
Chennai-600 015.



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4.The Quaide Milleth College for Men
Represented by its Secretary & Correspondent
Tambaram Velachery Main Road,
Medavakkam,
Chennai- 600 100.

5.The Principal Accountant General,
No.361, Anna Salai, Teynampet,
Chennai- 600 018.

... Respondents

PRAYER: Writ Appeal filed against the order in WP No.3512 of 2019 dated 19.02.2019 of the learned Single Judge.

For the Appellant : Mr.G.Sankaran
Senior Counsel

For Respondents : Mr.D.Ravichandran
Special Government Pleader
for respondents 1 to 3
Mr.N.A.Nissar Ahmed
Senior Counsel
for Mr.I.Kowser Nissar
for fourth respondent
fifth respondent- No appearance



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JUDGMENT

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(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The Writ Appeal is filed against the order in WP No.3512 of 2019 dated 19.02.2019 of the learned Single Judge.

2. Learned Senior Counsel for the appellant submits that though the enquiry officer had conducted enquiry pursuant to the direction of this Court dated 27.08.2019 and filed his report on 02.01.2020, the said enquiry was not conducted in accordance with the directions of this Court. A copy of the said report has been received by the appellant on 01.04.2024 calling upon the appellant to submit his explanation. On 08.04.2024, the appellant has made a request for deferring the proceedings till final order is passed by this Court.

3. Learned Senior Counsel appearing for the fourth respondent would submit that in the enquiry report, it has been stated that the appellant has not co-operated for the enquiry. He further submits that on 01.04.2024, the



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enquiry report has been sent to the appellant to submit his explanation but the appellant has not done so. The appellant has only sent a reply to the said communication seeking deferring of the proceedings till a final order is passed by this Court. Therefore, the fourth respondent Management has passed the final order on 12.04.2024 and the same has not been communicated to the appellant, in view of the said reply submitted by the appellant.

4. On considering the submissions made by the parties, this court is of the view that in the interest of justice, one more opportunity to be provided to the appellant, if the appellant is having any grievance, to submit his objection before the fourth respondent by way of explanation to the enquiry officer report's dated 01.04.2024. Therefore, the submission of the respondent Management that the final order passed cannot be accepted, as the same has not been served on the appellant. In such circumstances, it is also agreed by the respondent Management that if any such explanation is submitted, the same will be considered by the respondent Management in accordance with law.



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5. In such circumstances, the learned Senior Counsel made a request before this Court that he seeks further two weeks' time to submit his explanation for the aforesaid enquiry officer's report dated 01.04.2024.

6. In view of the above, this court is inclined to pass orders as follows:

i) The appellant shall submit his explanation to the fourth respondent's report dated 01.04.2024, within a period of two weeks from the date of receipt of copy of this judgment.

ii) On receipt of the same, the fourth respondent shall pass appropriate orders on its own merits and in accordance with law following the procedure as contemplated under the Rules, within a period of eight weeks thereafter.

7. With the above directions, the writ appeal stands disposed of. There shall be no order as to costs. Consequently, CMP No.302 of 2020 is closed.

[D.K.K., J.] [K.B., J.]
22.04.2024

Index : Yes/No

Neutral Citation : Yes/No

mrn

Note: Issue Order Copy by 23.04.2024



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To

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and
K.KUMARESH BABU, J.

(mrn)

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