



WEB COPY



W.P.No.14735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.14735 of 2024

and

W.M.P.Nos.15980 and 15981 of 2024

Dr.V.Nachimuthu

... Petitioner

Vs.

- 1.The Regional Joint Director,
Collegiate Education,
Race Course Road,
Next to Income Tax Office,
Coimbatore – 18.
- 2.The President,
College Committee,
Sri Vasavi College, Vasavi College Post,
Erode – 638 316.
- 3.Tmt.G.Malarvizhi,
Associate Professor/Head,
Department of Tamil,
Sri Vasavi College, Vasavi College Post,
Erode – 638 316.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, to call for the entire records relating to the



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impugned order passed by the 2nd respondent in his proceedings No.Nil dated 03.05.2024 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.Ravichander
Special Government Pleader
for R1

ORDER

This Writ Petition is filed challenging the order dated 03.05.2024 in and by which the third respondent is made as Principal incharge of Sri Vasavi College, Erode.

2. The case of the petitioner is that the third respondent originally had relinquished the incharge position. Thereafter, as a matter of fact the Secretary had considered the name of the petitioner and an order dated 01.05.2024 was also initially given making the petitioner incharge of the post. Thereafter, the President and the Joint Director of College Education intervened in the matter and they have made the Secretary again to issue order in favour of the third respondent. Once the third respondent has relinquished her right, thereafter, there is no justification on the part of the



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respondent Nos.1 and 2 in making her as the Principal incharge. The petitioner also made a representation dated 07.05.2024. The petitioner had approached this Court by way of W.P.No.14347 of 2024, whereby, this Court had directed the respondents to pass orders on the representation of the petitioner after getting representations from all those who are interested and dispose of the same within a period of eight weeks. Before the said exercise could be carried out, the petitioner has now once again approached this Court by challenging the order which is granted in favour of the third respondent.

3. Admittedly, the post of Principal is vacant. The normal procedure is to make senior most teacher as incharge. Even as per the petitioner, the third respondent is the senior most. The only contention is that the third respondent has relinquished the promotion. Whether there can be any relinquishment for incharge post in the rules itself is in question. Secondly, even if the third respondent has initially relinquished, now if she is ready and willing to act as incharge, it doesn't give any concomitant right on the part of the petitioner to claim to be principal incharge, especially, when he is the junior to the third respondent. Making somebody as incharge is only a stop gap arrangement and it is only the senior most teacher who has been made



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incharge. For every drop of the hat, the petitioner cannot approach this Court under Article 226 of the Constitution of India. When there are no substantial service of rights involved, even if the petitioner makes out a claim for every situation this Court cannot grant relief under Article 226 of the Constitution of India.

4. Considering the fact that the person who appointed is senior most teacher and the impugned order is made only for incharge person till the regular person is appointed, this Writ Petition is not entertained.

5. Accordingly, this Writ Petition is dismissed. No Costs. Consequently, connected Writ Miscellaneous Petitions are closed.

06.06.2024

Neutral Citation: Yes/No
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D.BHARATHA CHAKRAVARTHY, J.

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