



WEB COPY



W.A.No.2504 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.2504 of 2022

S.Jayaram

... Appellant/Petitioner

-VS-

1. Director of Collegiate Education,
Government of Tamil Nadu,
9th Floor, E.V.K.Sampath Building,
College Road, Chennai-600 006
2. The Joint Director of Collegiate Education,
Government of Tamil Nadu,
Tirunelveli.
3. The Secretary,
Vivekananda College,
Agasteeswaram – 629 701.
Kanyakumari District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.08.2022 made in W.P.No.18231 of 2017 on the file of this Court, by allowing this Writ Appeal.

For Appellant	:	Mr.S.Subbiah, Senior Counsel For M/s.Elizabeth Ravi
For R1 & R2	:	Mr.D.Ravichander, Spl. Govt. Pleader
For R3	:	No Appearance



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W.A.No.25 of 2022

J U D G M E N T

(By D.Krishnakumar,J.)

This Writ Appeal has been filed, challenging the order of the learned Single Judge dated 22.08.2022 made in W.P.No.18231 of 2017, by which the Writ Petition filed by the Writ Petitioner/Appellant herein, was dismissed as withdrawn.

2. When the matter is taken up for hearing, learned Senior Counsel for the Writ Petitioner/appellant herein has submitted that though the appellant has a residence at Kanyakumari and he has been working in the 3rd respondent college situated at Kanyakumari, the order impugned in the Writ Petition has been passed by the Director of Collegiate Education, Chennai and therefore, the Principal Seat of Madras High Court has jurisdiction to entertain the Writ Petition. He has further submitted that learned counsel on record for the Writ Petitioner, who appeared before the Writ Court, under the wrong notion and *bona fide* belief that the Writ Petition has to be filed only before the High Court of Judicature at Madurai Bench, Madurai withdrew the Writ Petition with the permission of the Court. He has pointed out that because of the *bona fide* mistake committed by the counsel on record, the litigant cannot be put to much hardship and therefore, the present Writ Appeal has been preferred before this Court. He prayed that such legitimate mistake can be rectified by this Court and the matter may be remitted to the Writ Court for hearing afresh by setting the order 22.08.2022 of the learned Single Judge.

3.The learned Special Government Pleader appearing for the respondent did not



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controvert the legal submissions made by the learned senior counsel appearing for the appellant.

Therefore, this Court may pass appropriate orders.

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4. In view of the submissions made by the learned counsels appearing for the parties concerned and considering the fact that the order under challenge before the Writ Court was passed by the Director of Collegiate Education, Chennai, it is evident that the writ petition is maintainable before this Court and the order of the learned Single Judge is liable to be set aside on that score.

5. Accordingly, this ***Writ Appeal is allowed.*** The order dated 22.08.2022 passed by the learned Single Judge in W.P.No.18231 of 2017 is set aside and the matter is remanded back to the Writ Court. On such remand, learned Single Judge may hear the Writ Petition afresh and pass orders thereon on merits after affording an opportunity to file a counter affidavit to the respondents. No costs.

[D.K.K., J.,]

[K.B., J]

06.06.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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To:

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9th Floor, E.V.K.Sampath Building,
College Road, Chennai-600 006
2. The Joint Director of Collegiate Education,
Government of Tamil Nadu,
Tirunelveli.



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D.KRISHNAKUMAR,J.,
AND
K.KUMARESH BABU,J.,
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