



WP(MD) No.13959 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.13959 of 2024

Vivekananda College,
Rep. by its Secretary,
C.Raja, S/o.Chellam,
Agatheeswaram,
Kanyakumari District – 629 701.

... Petitioner

Vs.

1.The Director of Collegiate Education,
Anna Salai,
Saidapet,
Chennai - 600 015.

2.The Joint Director of Collegiate Education (FAC),
O/o. the Joint Director of Collegiate Education,
Tirunelveli - 8.

....Respondents



WP(MD) No.13959 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in O.Mu. No.11833/Vu1/2022 dated 15.05.2024 on the file of the respondent No.2 and quash the same as illegal and consequently for a direction, directing the respondent No.2 to disburse the full salary from 12.03.2022 to 30.09.2022 to I.Vasudevan, Assistant Professor of Zoology in accordance with the Section 14 of the Tamil Nadu Private Colleges (Regulation) Act, 1976.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in O.Mu. No.11833/Vu1/2022 dated 15.05.2024 on the file of the respondent No.2 and quash the same as illegal and consequently for a direction, directing the respondent No.2 to disburse the full salary from 12.03.2022 to 30.09.2022 to I.Vasudevan, Assistant Professor of Zoology in accordance with the Section 14 of the Tamil Nadu Private Colleges (Regulation) Act, 1976.



WP(MD) No.13959 of 2024

WEB COPY

2. Heard Mr.T.Aswin Raja Simman, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel petitioner submitted that earlier the said individual I.Vasudevan, Assistant Professor, (Zoology) Department has been placed under suspension in view of a criminal case filed against him by one student and subsequently, the said Vasudevan has been placed under suspension. Vasudevan has filed a CrI.O.P.(MD) No.14081 of 2022 to quash the proceedings by stating that there was a compromise arrived at between himself and the de-facto complainant and the said CrI.O.P petition has also been allowed. Subsequently, Vasudevan filed a writ petition to revoke the suspension and reinstate him and the same was allowed by giving a direction. Pursuant to the direction of the Court, the suspension of Vasudevan was revoked and he was reinstated into service and the period of suspension has been



WP(MD) No.13959 of 2024

regularized as duty with pay.

WEB COPY

5. When the proposal was sent to the first respondent, it was rejected by stating that the individual has not been suspended by the Government, but by the College Management and hence, the College Management has to bear the salary for the period of suspension which was regularised later.

6. It is further alleged that the proceedings filed by the individual challenging the criminal case is pending. So far as the proceedings are concerned, it has been given a quietus and the said aspect of the order would have been passed without knowing the updation of the proceedings.

7. The next point is with regard to the act of suspension which was originated from the College Management and not from the Government. There cannot be any quarrel that as per Section 14(C) of the Tamil Nadu Private College Regulations Act, 1976, the College Committee is the appropriate authority to take disciplinary action



WP(MD) No.13959 of 2024

against the teachers and other persons of the private colleges. So it is wrong on the part of the respondent to allege that the action has been initiated by the College Committee and not by the Government.

8. Even in an extraneous case, the Government has to suspend any individual in aided Private College, the action can be initiated only through the college management in compliance with Section 14 of the above Act. However, it is worth mentioning that when the management thought it fit to close the disciplinary proceedings against the individual, it could have been sent to the approval of the Government by stating the reasons for which disciplinary proceedings were dropped.

9. Had the individual was kept under suspension continuously and any action was pending against him for any time longer and if an individual happens to challenge the proceedings before this Court and causes further delay, it would cause more financial burden on the Government to bear the subsistence allowance that needs to be paid for a longer period, even without extracting the services from



WP(MD) No.13959 of 2024

WEB COPY

the individual. Since the problem has been solved amicably and the disciplinary proceedings have been dropped, the individual service has been regularised and the proposal has been sent to pay the pending salary between the period from 12.03.2022 to 30.09.2022. Even this salary would also paid only after deducting the subsistence allowance already paid. Hence, the second respondent shall consider the legalities of the issue and other merits and pass appropriate orders allowing the salary to be paid to the petitioner and pass orders accordingly within a period of four weeks.

10. In view of the above stated reasons, this writ petition is **disposed of** with a direction to the second respondent to consider the legalities of the issue and other merits and pass appropriate orders allowing the salary to be paid to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

28.06.2024

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



WP(MD) No.13959 of 2024

To
WEB COPY

1.The Director of Collegiate Education,
Anna Salai,
Saidapet,
Chennai - 600 015.

2.The Joint Director of Collegiate Education (Fac),
O/o. the Joint Director of Collegiate Education,
Tirunelveli - 8.



WEB COPY



WP(MD) No.13959 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.13959 of 2024

28.06.2024