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W.A.(MD) No.1307 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.1307 of 2022

1.The Governing Council of Pattukottai
Polytechnic College,
Pattukottai-614 601.

2.The Principal,
Pattukottai Polytechnic College,
Pattukottai-614 601.

... Appellants

-Vs-

1.K.Vanathi

2.The Director of Technical Education,
O/o.The Director of Technical Education,
Chennai-600 025.

... Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent Act to set aside the order made in W.P.(MD)No.20942 of 2019 dated 29.06.2021 on the file of this Court.

For Appellants	: Mr.V.K.Vijayaragavan
For R2	: Mr.D.Sadiqraja
	Additional Government Pleader
For R1	: Mr.R.Shanmuganathan



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JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

The present intra court appeal has been filed against the order of the learned Single Judge in W.P.(MD)No.20942 of 2019 dated 29.06.2021 by setting aside the order of compulsory retirement passed by the Management.

2.According to the appellant Management, the writ petitioner was issued with a show cause notice for disobeying the work assigned to her and only after a detailed enquiry, the punishment of compulsory retirement was given to the writ petitioner by following due process of law. However, the learned Single Judge without considering the factual aspects allowed the writ petition by setting aside the order of compulsory retirement from service. Further, the writ petitioner challenged the order dated 30.08.2019 instead of 30.03.2019, which was subsequently issued to the petitioner by making correction in the date of retirement.

3.The learned counsel for the first respondent brought to the notice of this Court that the Director of Technical Education had rejected the order of



compulsory retirement on 04.10.2019 and directed the appellant Management to immediately reinstate the first respondent in service. The appellant Management has not chosen to challenge the said order. Instead, they filed the present appeal for the aforesaid prayer. He further submits that the writ petition filed by the petitioner had become infructuous in light of the order passed by the Directorate of Technical Education dated 04.10.2019.

4.By way of rejoinder, the learned counsel for the appellants states that in the counter affidavit filed by the Management in the writ petition itself, they denied the validity of the proceedings dated 04.10.2019.

5.As stated by the learned counsel for the appellants, the appellants have not questioned the validity of the proceedings issued by the Director of Technical Education dated 04.10.2019, by challenging the said proceedings. Hence, the contention put forth by the learned counsel for the appellants is liable to be rejected.

6.Perusal of the order impugned in this writ appeal shows that the learned Single Judge have gone into the merits of the case and decided the issue. This Court is of the view there is no requirement for adjudicating the issue on



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merits for the simple reason that the order of compulsory retirement was cancelled by the Director of Technical Education on 04.10.2019. Since the prayer sought for by the writ petitioner has become infructuous in view of the proceedings dated 04.10.2019, the discussions made by the learned Single Judge on merits in the order dated 29.06.2021 are set aside. However, we are not changing the fate of the writ petition and thus, we confirm the dismissal of the writ petition.

6.In light of the above discussions, nothing remains to be considered in the present writ appeal. Accordingly, this writ appeal stands dismissed. It is for the parties to seek appropriate remedy before the authorities concerned. No costs.

[D.K.K., J.] & [R.V., J.]
22.03.2024

NCC : Yes / No
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