



W.P.(MD).No.17439 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17439 of 2021

and

W.M.P.(MD)No.8988 of 2022

P.Punitha

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to
Government,
Department of Collegiate Education,
Fort. St. George,
Chennai-600 009.
- 2.The Director of Collegiate Education,
EVK, Sampath Maligai,
College Road,
Chennai-600 006.
- 3.The Joint Director of Collegiate
Education,
Goripalayam, Madurai-625 002.
- 4.The Secretary / Correspondent,
Pasumpon Muthuramaliga Thevar
College,
Usilampatti, Madurai District.



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5.The Principal,
Pasumpon Muthuramaliga Thevar
College,
Usilampatti, Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the 5th respondent herein dated 02.03.2021 vide its proceedings in Rc.No.2/SF/Order/2021 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner in the Pasumpon Muthuramaliga Thevar College in her earlier post of Superintendent within a time frame as fixed by this Court.

For Petitioner : Mr.K.Ravikumar

For R-1 to R-3 : Mr.M.Sarangan,
Additional Government Pleader

For R-4 : Mr.E.V.N.Siva

For R-5 : Mr.R.Ganesh Prabhu

ORDER

This writ petition has been filed seeking to call for the records pertaining to the impugned proceedings issued by the 5th respondent herein dated 02.03.2021 vide its proceedings in Rc.No.2/SF/Order/2021 and quash the same



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as illegal and consequently direct the respondents to reinstate the petitioner in the Pasumpon Muthuramaliga Thevar College in her earlier post of Superintendent.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was working in the 5th respondent College from 2009 onwards as Superintendent. While so, without putting her on notice and without giving her an opportunity by means of a cryptic non-speaking order, the 5th respondent college removed the petitioner from service on 02.03.2021. Challenging the same, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner submitted that the erstwhile principal who passed the impugned order of termination, was latter suspended from service on various allegations and even an enquiry by the Vigilance and Anti Corruption Department is pending as against her. Four other employees terminated without notice by her non-speaking orders in similar lines like that of the petitioner have already been revoked and they were



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reinstated into service by the erstwhile principal himself. However, due to the pendency of this writ petition, the 5th respondent did not reinstate the petitioner and pressed for allowing the writ petition.

4. The learned counsel appearing for the 5th respondent college, Mr.R.Ganesh Prabhu submitted that currently one Mr.Jothirajan is serving as the Principal-in-charge of the 5th respondent college from 07.09.2022. Since the term of the managing committee of the 5th respondent college has expired, until and unless the new managing committee is elected and assumes office, the principal cannot act upon, without being resolved by the competent committee of the managing committee.

5. The learned counsel appearing for the 4th respondent, Mr.E.V.N.Siva submitted that the Inspector General of Registration, Chennai, has directed the erstwhile managing committee to convene election for selection of fresh managing committee for the new term of three years at the earliest. In view of the same, very soon the election would be concluded.



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6. The learned Additional Government Pleader appearing for the respondents 1 to 3, Mr.M.Sarangan submitted that the 3rd respondent has no say in the reinstatement of the petitioner since he comes under the self financing scheme of the 5th respondent college.

7. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

8. In view of the various rival submissions made by the petitioner and the respondents counsels, I am of the considered view that immediately on completion of the election and the new managing committee assuming office, the petitioner is directed to submit a representation afresh before the committee and the 4th respondent is directed to consider the representation and reinstate the petitioner into service, in the line of reinstatement of the similarly placed persons within a period of four (4) weeks from the date of receipt of a representation from the petitioner.



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9. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The Secretary to
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Chennai-600 009.
- 2.The Director of Collegiate Education,
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L.VICTORIA GOWRI, J.

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