



W.P.(MD)No.20718 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20718 of 2024

Abdul Hadi BK

... Petitioner

Vs.

1.The Joint Director of Collegiate Education
Madurai Region, Palam Station Road
Madurai 625 002, Madurai District

2.The Secretary
Dr.Zakir Husain College
Ilayangudi 630 702
Sivagangai District

3.V.M.Jafarulla Khan
Secretary
Dr.Zakir Husain College
Ilayangudi 630 702
Sivagangai District

4.The Principal
Dr.Zakir Husain College
Ilayangudi 630 702
Sivagangai District



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5.S.E.A.Jabarullah Khan
Principal
Dr.Zakir Husain College
Ilayangudi 630 702
Sivagangai District

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents herein to permit the petitioner herein to join duty forthwith as Assistant Professor (Arabic) in the second respondent college from 16.07.2024 onwards with salary and other monetary benefits.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1

:Mr.V.Muthukamatchi for R2 to R5

ORDER

The instant writ petition has been filed by an Assistant Professor (Arabic) working in the second respondent College, seeking a mandamus, as against the college management, to permit the petitioner herein to join duty from 16.07.2024 with salary and other monetary benefits.



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2. According to the learned counsel appearing for the writ petitioner, the petitioner was not permitted to sign attendance register on 16.07.2024. On 19.08.2024, he had addressed a communication to the college management indicating the fact that he has not been permitted to sign attendance register and he has not been permitted to attend duty. A copy of the said letter has also been sent to the first respondent herein.

3. As a reply to the above said letter, the Principal of the College has issued a communication on 21.08.2024 stating that the petitioner is not attending duty from 18.07.2024 without any intimation and the petitioner was directed submit his written explanation as to why recommendations shall not be made to Joint Director of Collegiate Education and College Secretary for initiation of disciplinary proceedings.

4. According to the learned counsel for the writ petitioner, the petitioner has been prevented from attending duty. In case, if the management feels that the petitioner is un-authorisidely absent from attending duties, they are always at liberty to initiate proceedings. However, they have no right to prevent the petitioner from attending duty.



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5.The respondent management had filed a counter contending that the petitioner has remained absent from 18.07.2024 and even though suitable reply has been sent to the writ petitioner, calling upon him to explain his absence, the petitioner has not come forward to offer any proper explanation. Hence, he prayed for dismissal of the writ petition.

6.I have considered the submissions made on either side and perused the material records.

7.Though the petitioner has addressed a communication to the first respondent herein on 19.08.2024, so far the first respondent has not enquired into the matter or given any proper instruction to the management to permit the petitioner to attend duty.

8.Considering the above said facts,the respondents 2 to 5 herein are directed to permit the petitioner to attend duty from 07.10.2024 onwards. In case, if the management intends to initiate any other proceedings, they are at liberty to initiate such proceedings after permitting the petitioner to join duty on 07.10.2024. The first respondent is directed to enquire into the matter whether the petitioner was prevented from attending duty from 18.07.2024 or he un-authorisidely remained absent from the said date onwards, after affording due opportunity to



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the college management as well as the writ petitioner herein. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

9.With the above said observations, this writ petition stands disposed of.

No costs.

30.09.2024

Index : Yes/No
Internet : Yes/No
NCC: : Yes/No
msa

Note: Issue order copy on 01.10.2024

To

1.The Joint Director of Collegiate Education
Madurai Region, Palam Station Road
Madurai 625 002, Madurai District



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R.VIJAYAKUMAR, J.

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