



W.P.(MD)No.24235 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.24235 of 2019
and
W.M.P.(MD)No.20854 of 2019

S.Ramanathan

... Petitioner

/Vs./

1.The Director of Collegiate Education,
College Road, Chennai – 600 006.

2.The Joint Director of Collegiate Education,
Madurai Region, Madurai,
Madurai District – 620 020.

3.M.Rajarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to consider and pass orders forthwith on the petitioner's proposal dated 14.12.2016 together with the reminder dated 12.07.2019 seeking approval for proposed dismissal of the 3rd respondent from the college.



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For Petitioner : Mr.H.Thayumanaswamy

For Respondents : Mr.T.Amjad Khan (R1 & R2)

Government Advocate

Mr.E.V.N.Siva (R3)

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the first and second respondents to pass final orders on the petitioner's proposal dated 14.12.2016 seeking for approval for the proposed dismissal of the third respondent from the petitioner college within a time frame to be fixed by this Court.

2. It is now brought to the notice of this Court that the third respondent died on 22.08.2021. The death certificate of the third respondent has also been placed on record. The learned counsel appearing for the petitioner is also satisfied with the same and therefore, it is absolutely clear that the third respondent died on 22.08.2021. The proposal sent by the petitioner to the first and second respondents seeks approval for the dismissal of the third respondent from the services of the petitioner.



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3. Admittedly, the disciplinary proceedings were initiated by the petitioner against the third respondent and an enquiry officer was also appointed. Pending enquiry, the aforementioned proposal was sent by the petitioner to the first and second respondents seeking for approval to dismiss the third respondent from the services of the petitioner. Since the third respondent is dead, disciplinary proceedings initiated against the third respondent has now got abated.

4. The relief sought for in this writ petition cannot also be granted, due to the death of the third respondent, as the petitioner in this writ petition has sought for approval of the third respondent's dismissal from the services of the petitioner from the first and second respondents. Once a delinquent dies, the question of seeking approval for the dismissal of the said delinquent does not arise, as the proceedings based on the petitioner's proposal dated 14.12.2016 together with reminder dated 12.07.2019 gets abated. However, the petitioner should not be left high and dry.



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5. With the aforesaid observations made by this Court, this writ petition is disposed of. However, liberty is granted to the petitioner, if he so desires to take action against any person including the legal heirs of the deceased third respondent in the manner known to the petitioner under law. It is also open to the respondents to raise objections if they have in the said proceedings. No costs. Consequently, connected miscellaneous petition is closed.

06.09.2024

Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

Sm

Order made in
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