



W.P.(MD).No.24610 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24610 of 2024

and

W.M.P(MD) Nos.20950, 20951,22119 and 22120 of 2024

Mohit Wills B.J

... Petitioner

Vs.

1. The Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.
2. The Director,
Department of Collegiate Education,
Institute of Advanced Study in Education Campus,
Mother Teresa University and Research Centre,
577, Anna Salai, Todd Hunter Nagar,
Saidapet, Chennai – 600 015.
3. The Regional Joint Director of Collegiate Education,
Gandhi Nagar,
Tirunelveli – 627 008.
4. The Principal,
Rani Anna Government College for Woman,
Gandhi Nagar,
Tirunelveli – 627 008.



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5. The Registrar,
Annamalai University,
Chidambaram – 608 002.

... Respondents

(R5 is impleaded vide order of this
Court dated 05.11.2024 in W.M.P
(MD) No.22117 of 2024 in W.P(MD)
No.24610 of 2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 08.10.2024 in Na.Ka.No.29120/D4/2024 of the second respondent and order dated 27.09.2024 in proceedings Na.Ka.No. 691/A/2024 of the fourth respondent and quash them both as illegal.

Prayer amended vide order of this Court dated 05.11.2024 in W.M.P(MD) No. 22118 of 2024 in W.P(MD) No.24610 of 2024).

For Petitioner : Mr.M.Aravind Subramanian

For R1 to R4 : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.T.Amjadkhan
Government Advocate



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ORDER

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The instant writ petition has been filed by an Assistant Professor working in the fourth respondent College, challenging the relieving order issued by the Principal of the said College on 27.09.2024.

2. The petitioner herein who was initially appointed as an Assistant Professor in Annamalai University was deputed to the fourth respondent College on the ground that he was found to be surplus in Annamalai University. While the petitioner was working in the fourth respondent College due to some allegations the fourth respondent had chosen to pass the impugned relieving order on 27.09.2024. The said order is challenged on the ground that unless the second respondent issues any proceedings, the fourth respondent will not have any jurisdiction to issue relieving order.

3. Pending writ petition, the second respondent herein has passed an order on 08.10.2024 repatriating the writ petitioner to his parent university, namely, Annamalai University. Pursuant to the order of the second respondent, the petitioner has filed an application seeking to amend the prayer



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in the writ petition so as to challenge the order of the second respondent dated 08.10.2024 and this Court has allowed the said application on 05.11.2024.

4. This Court after going through the order passed by the fourth respondent on 27.09.2024, finds that when such an order was passed by the fourth respondent, he had no jurisdiction to pass an order relieving the petitioner from the College, in view of the fact that the relieving order was not backed by any order of the second respondent.

5. In view of the above said facts, the order of the fourth respondent dated 27.09.2024, relieving the petitioner from the fourth respondent College is hereby set aside, granting liberty to the writ petitioner to challenge the order dated 08.10.2024, by way of independent proceedings. All the grounds raised in the writ petition are left open to the writ petitioner to be raised in any writ petition to be filed challenging the order of the second respondent dated 08.10.2024.



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6. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

13.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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