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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.A.No. 2181 of 2025

and

C.M.P.No. 16668 of 2025

Loyola College (Autonomous)

Rep. By its Secretary and Correspondent,

Nungambakkam,

Chennai – 600 034.

.. Appellant

Vs.

Dr.S.John William

.. Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 07.01.2025 made in W.P.No. 3711 of 2020.

For Appellant : Mr.Godson Swaminathan

For Respondent : Ms.S.Sridevi

JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

This appeal is by the Institution, challenging the order of the learned single Judge modifying punishment of dismissal to compulsory retirement,



taking into account that the delinquent Professor has attained the age of superannuation.

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2. In coming to the conclusion that the punishment of dismissal from service is too harsh, learned single Judge has made certain observations to the effect that the Institution has not adhered to the earlier orders passed by this Court in W.P.Nos. 9493, 9494 & 16975 of 2019 dated 14.10.2019. The learned Judge has also went into the evidence and concluded that the delinquent Professor has not been shown to be responsible for publication or circulation of the offending communication on social media.

3. Heard Mr.Godson Swaminathan, learned counsel appearing for the Institution and Ms.S.Sridevi, learned counsel for the respondent.

4. Mr.Godson Swaminathan, learned counsel for the appellant would vehemently contend that the previous order of this Court was considered and in the light of very serious allegations that have been made against the delinquent employee, the Institution was not in a position to re-consider the punishment. He would also submit that re-appreciation of evidence is impermissible in a proceeding under Article 226 of the Constitution of



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India. Considering the nature of the allegations and the form, in which it was sought to be circulated, we do not think, we should get into the merits of the issue, in view of the fact that the delinquent Professor has attained the age of superannuation and he is also bedridden.

5. Taking the sympathetic view, we confirm the order of the learned single Judge and we also direct that the observations made in the order will not form a precedent in the future. Once the Management forwards the proposals in compliance with the directions issued in paragraph 21 of the order under appeal, the Directorate of Collegiate Education will clear the same within a period of eight weeks from the date of receipt of the proposals. The Management will forward the proposals within a period of eight weeks from today.

6. This Writ Appeal is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (K.G.T., J.)
21.07.2025

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Internet: Yes / No

Index: Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

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