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W.A.Nos.2318 & 2317 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.Nos.2318 & 2317 of 2024
and
C.M.P.Nos.16291 & 16282 of 2024

The College Committee,
Represented by its Secretary,
Sir Theagaraya College,
Old No.345, New No.1047,
T.H.Road, Old Washermenpet,
Chennai - 600 021.

... Appellant in W.A.No.2318 of 2024

1. Theagaraya Chetty Educational Institutions,
Sir Theagaraya College Committee,
Represented by its Secretary,
Old No.345, New No.1047,
T.H.Road, Old Washermenpet,
Chennai - 600 021.

2. The Secretary and Correspondent,
Theagaraya Chetty Educational Institutions,
Sir Theagaraya College Committee,
Chennai - 600 021.

... Appellants in W.A.No.2317 of 2024

-Vs-



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1. Dr.S.Mahadevan

2. The Secretary,
Government of Tamil Nadu,
Department of Higher Education,
Fort St.George,
Chennai - 600 009.

3. The Director of Collegiate Education,
Saidapet,
Chennai - 600 015.

4. The Joint Director of Collegiate Education,
Chennai Region,
Saidapet,
Chennai - 15.

5. Thiru Chiranjeevimatcha,
Secretary,
The College Committee,
Sir Theagaraya College,
Old No.345, New No.1047,
T.H.Road, Old Washermenpet,
Chennai - 600 021.

6. Thiru K.Thiyagarajan,
Vice Principal,
Sir Theagaraya College,
Old No.345, New No.1047,
T.H.Road, Old Washermenpet,
Chennai - 600 021.

... Respondents in W.A.No.2318 of 2024

1. Dr.K.Thamizharasan,
Associate Professor & Head,
Department of Physics,
Sir Theagaraya College,
Chennai - 600 021.



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2. The Secretary,
Government of Tamil Nadu,
Department of Higher Education,
Fort St.George,
Chennai - 600 009.

3. The Director of Collegiate Education,
Directorate of Collegiate Education,
Saidapet,
Chennai - 600 015.

4. The Regional Director of Collegiate Education,
Director of Collegiate Education,
Saidapet,
Chennai - 15.

... Respondents in W.A.No.2317 of 2024

COMMON PRAYER : Appeals filed under Clause XV of Letters Patent,
against the order dated 10.07.2024 in W.P.Nos.15846 & 15665 of 2024.

For Appellants

in both cases : Mr.B.Ravi

For Respondents : Mr.V.Ajay Khose for R1
in W.A.No.2318 of 2024

Mrs.A.Arulmozhi for R1
in W.A.No.2317 of 2024

Mr.A.Selvendran
Spl. Govt. Pleader for R2 to R4
in both cases



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COMMON JUDGMENT

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(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

These intra Court appeals have been directed against the common order dated 10.07.2024 made in W.P.Nos.15846 & 15665 of 2024.

2. Both the writ petitioners who are the respondents herein are the Associate Professors working in the appellant College for more than three decades. Against these Associate Professors, since the disciplinary proceedings have been contemplated, they were placed under suspension. Among other things, the suspension orders also were put under challenge specifically in these two writ petitions and for other relief, some more writ petitions also have been filed by them.

3. All these writ petitions were heard together and disposed by the common order passed by the writ Court dated 10.07.2024, which is impugned herein.

4. Though totally five writ petitions were disposed of, the intra-Court appeals filed against other three writ petitions have already been disposed of



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and we are only concerned about the present intra-Court appeals which arise out of the order passed in these two writ petitions alone.

5. Earlier at the admission stage, when these appeals came up for consideration, especially, W.A.No.2317 of 2024, a Co-ordinate Bench of this Court, by order dated 31.07.2024, passed the following order:

"This writ appeal is filed challenging the order in WP No.15665 of 2024 dated 10.07.2024.

2. WP No.15665 of 2024 is filed by Dr.K.Thamizharasan, challenging the suspension order dated 27.05.2024.

3. The writ court, by common order dated 10.07.2024, has allowed the writ petition with the following terms:

i) The impugned order of suspension dated 27.05.2024 is quashed, however, the respondents are at liberty to proceed further with the departmental enquiry, per law and complete the same as expeditiously as possible.

4. Challenging the order passed by the writ court, the appellant Theagaraya Chetty Educational Institution, has filed the present intra court appeal.

5. At the time of the hearing, learned counsel for the appellant has stated that the first respondent herein/writ petitioner has been reinstated in service. Therefore, no



interim order is required.

6. In view of the said statement made by the learned counsel for the appellant, the prayer as sought for in the writ appeal, challenging the first limb of the order, quashing of suspension order by the writ court, has now become infructuous. Accordingly, the writ appeal is dismissed as infructuous sofar as the quashing of the suspension order alone passed by the writ court is concerned.

7. However, with regard to second limb of the order of the writ court, the appellant shall proceed with the enquiry without being influenced by any of the observations made by the learned Single judge, and not to pass final orders till a decision is taken by this Court in the present writ appeal.

8. Post the appeal after four weeks for 'final disposal'."

6. Similar order was passed in other writ appeal also, i.e., W.A.No.2318 of 2024.

7. Therefore, the resultant position would be that the suspension order passed against these Associate Professors since has been set aside, having accepted the same, they were reinstated by the College Management. This in fact has been recorded by the Co-ordinate Bench in the order referred above.



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8. However as regards the disciplinary proceedings initiated against them is concerned, since such a liberty was given to the College Management to proceed with the enquiry without being influenced by any of the observations made by the learned Single Judge in the order impugned, the Division Bench directed the College Management not to pass final orders, till the decision is taken by the Court in the present appeals.

9. Pursuant to the said liberty given to the College Management, they already completed the enquiry and the Enquiry Officer's report submitted in this regard had been served on these delinquents and explanation called for also had been responded by the Associate Professor, i.e., Dr.K.Thamizharasan, first respondent in W.A.No.2317 of 2024. Insofar as other Associate Professor is concerned, he seems to have not responded.

10. Now Mrs.A.Arulmozhi, learned counsel appearing for the first respondent, i.e., Dr.K.Thamizharasan in W.A.No.2317 of 2024 would state that, since the enquiry has been completed and based on the enquiry report, explanation sought for also had been given by the Associate Professor concerned, let the College Management pass final orders taking into account of the long service of more than three decades rendered by him in the College.



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11. But, at the same time, Mr.V.Ajay Khose, learned counsel appearing for the Associate Professor, namely, Dr.S.Mahadevan in W.A.No.2318 of 2024, would submit that, during the pendency of the appeal, he has superannuated, therefore, as against the retired employee, the College Management does not have any clutch over to continue the disciplinary proceedings, therefore, the disciplinary proceedings itself, said to have been concluded by completing the enquiry by the Enquiry Officer, is vitiated.

12. He would also submit that, in view of such position where the disciplinary proceedings become vitiated, the question of passing any final order by the Disciplinary Authority does not arise in this case, hence, he seeks a relief of dismissal of the writ appeal filed by the College Management by thus allowing the respondent / Associate Professor to get the retiral benefits.

13. However, Mr.B.Ravi, learned counsel appearing for the appellant College Management would submit that, definite charges were framed, pursuant to which, the enquiry was conducted, for which, permission has already been granted by the Court in the earlier order referred above passed by the Co-ordinate Bench and the Enquiry Officer having completed the enquiry by giving proper opportunity to the delinquents had given his report and a copy



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of which also has been served on the delinquents with a notice seeking explanation from them, i.e., second show cause notice and having receipt of the same, only Dr.K.Thamizharasan, has responded by giving a reply but not Dr.S.Mahadevan. Be that as it may, now the entire procedural formalities since has been completed in concluding the disciplinary proceedings and only final orders are to be passed on merits by the Disciplinary Authority, the College Management / Disciplinary Authority may be permitted to pass final orders where the observations made by the learned Judge in the impugned judgment shall not stand in the way, he contended.

14. We have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

15. There were two parts of the issues which were under challenge before the writ Court in the writ petitions, where first portion of the challenge was the order of suspension and the second grievance of the writ petitioners was the following disciplinary proceedings. Insofar as the suspension orders are concerned, even though it was quashed by the learned Judge through the impugned order, subsequently, it has been acted upon by the College



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Management and the same having been recorded, the Division Bench, by order dated 31.07.2024, has made it clear that, the prayer sought for by the appellants in these appeals with regard to the first limb of the prayer regarding suspension order is concerned, has become infructuous. That position has not been changed.

16. Insofar as the second limb of prayer sought for with regard to the disciplinary proceedings initiated against them is concerned, as permitted by the Co-ordinate Bench by its order referred above, since the disciplinary proceedings has been completed in the manner known to law and the explanation also had been submitted by one of the delinquents and it is ready for passing final order by the Disciplinary Authority, we do feel that, such a permission can be granted to the College Management to pass final orders on the disciplinary proceedings.

17. Insofar as the objection raised by Mr.V.Ajay Khose, learned counsel appearing for the first respondent in W.A.No.2318 of 2024 to state that, the College Management / Disciplinary Authority lost its jurisdiction to complete the disciplinary proceedings against the respondent delinquent since he has retired from service on superannuation, that question cannot be decided at this



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juncture in view of the co-operation already been rendered by the respondent /

Professor in completing the disciplinary proceedings in the manner known to law. Moreover, that was also not the scope of the writ petition, therefore, that objection raised by the learned counsel appearing for the first respondent in W.A.No.2318 of 2024 since cannot be decided at this juncture, it is left open to be agitated, if need arises by him, at later point of time in an appropriate proceedings.

18. In view of the above, we are inclined to dispose of both these writ appeals with following orders:

(i) that the appellant / College Management / Disciplinary Authority shall be at liberty to pass final orders on the basis of the Enquiry Officer's report as well as the reply given by atleast one of the delinquents on merits and in accordance with law. It is made clear that, though it is open to the Disciplinary Authority to pass final order on merits, the long service rendered by these delinquents at the appellant College can be taken into account sympathetically in case the Disciplinary Authority comes to the conclusion to pass any adverse orders.

(ii) If the orders to be passed by the Disciplinary Authority are in favour of the delinquents, absolutely there can be no further impediment for them to get the retiral benefits as



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both of them already retired / superannuated but not have been permitted to be retired. Instead, if any adverse orders are passed by the Disciplinary Authority, to that extent, it is open to the delinquents to challenge the same in the manner known to law in an appropriate proceedings.

(iii) It is made clear that, in any of the proceedings, i.e., final orders to be passed by the Disciplinary Authority or any subsequent proceedings to be initiated by the delinquents in case of adverse orders to be passed in this regard, the observation made by the learned Judge in the order impugned shall not stand in the way. All contentions and rights to be raised in this regard by the parties are kept open.

19. With that liberty to both the appellants as well as the delinquents, these Writ Appeals are disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) (H.C., J.)
03.09.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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Department of Higher Education,
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Chennai - 600 009.
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Chennai - 600 015.
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**R.SURESH KUMAR, J.
and
HEMANT CHANDANGOUDAR, J.**

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