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W.A.No.3814 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2026

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.A.No.3814 of 2025

and

C.M.P.No.31379 of 2025

The Quaide Milleth College for Men,
Rep. by its Secretary and Correspondent,
Medavakkam,
Chennai – 600 100.

.. Appellant

Vs.

1.Dr.J.HajaGani

2.Commissioner of Collegiate Education,
Directorate of Collegiate Education,
577, Anna Salai, Saidapet,
Chennai – 600 015.

3.The Regional Joint Director of Collegiate Education,
No.577, Anna Salai,
Saidapet,
Chennai – 600 015.

4.C.Rajkumar,
Enquiry Officer,
No.140, M.K.Amman Kovil Street,
Chennai – 600 004.

.. Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to

set aside the order dated 21.11.2025 in W.P.No.8475 of 2025 on the file of this Court.

For Appellant : Mr.P.Godson Swaminath
for ISAAC Chambers

For R1 : Mr.Balan Haridas

For RR 2 & 3 : Mr.A.Selvendran
Special Government Pleader

J U D G M E N T

(Judgment of the Court was made by *V.LAKSHMINARAYANAN, J.*)

The present appeal arises against the order passed by the learned Single Judge in W.P.No.8475 of 2025, dated 21.11.2025.

2.The appellant is the 3rd respondent in the writ petition.

3.For the sake of convenience, parties shall be referred as writ petitioner and 3rd respondent.

4.The writ petitioner was appointed as an Assistant Professor in the 3rd respondent college on 04.03.2003. His appointment was also approved by the Education Department.



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5. On 28.01.2016, a meeting of the college Council was held. One of the issues in the agenda was to discuss about Internal Quality Assurance Cell [IQAC] and other related works. The college Council discussed about the office notes issued by the writ petitioner dated 21.12.2014, 01.01.2015 and 27.11.2015, together with the replies issued by him. The college Council expressed its displeasure and resolved to constitute an enquiry committee, headed by one of its members, regarding award of marks by the writ petitioner in the November 2015 examination. The Council also resolved that the writ petitioner should report to the Principal with respect to academic matters. Yet again, the Council met on 12.04.2017. Under the item “*Any other matter with the permission of the Chair*”, the report of the enquiry committee appointed on 28.01.2016 was discussed. The Council took note of the report submitted by the committee constituted by it on 10.04.2017. It accepted the report and forwarded the same to the Secretary and Correspondent of the 3rd respondent for initiating appropriate disciplinary proceedings against the writ petitioner.

6. Four years thereafter, on 29.01.2019, the Higher Education



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Department forwarded a complaint received by it to the Directorate of Collegiate Education. In this letter, a Compact Disk (CD) of the alleged activities of the writ petitioner as a member of an organisation called “தமிழ்நாடு முஸ்லிம் முன்னேற்ற கழகம்” was enclosed. The covering letter sought an action taken report.

7.Pursuant to these proceedings, the petitioner was served with a charge memo on 05.02.2021. The petitioner gave a representation on 19.02.2021 seeking documents / records pertaining to the allegations made against him. There was no response to the said request.

8.The 3rd respondent appointed one Mr.S.Bharath as enquiry officer. The said Mr.S.Bharath was formerly a Judge in the Tamil Nadu Judicial Service. Hence, the writ petitioner sought permission to engage a lawyer to assist him in the said proceeding. The enquiry officer refused the said request by way of a written order dated 16.05.2023.

9.The petitioner filed W.P.No.18382 of 2023 challenging the order declining permission to avail the services of a lawyer. This Court, entertained the writ petition and granted interim stay of further



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proceedings. By an order dated 22.07.2024, this Court quashed the proceedings dated 16.05.2023 and permitted the writ petitioner to engage a lawyer to assist him during the course of domestic proceedings.

10.On 10.09.2024, the college Council was yet again convened. The Council decided to revoke the resolution passed on 12.04.2017 and also resolved to request the Secretary and Correspondent to drop all disciplinary proceedings against the writ petitioner. This was followed up with a proceeding of the Secretary and Correspondent dated 08.10.2024, accepting the resolution dated 10.09.2024 and withdrawing and dropping all the charges initiated against the writ petitioner. The enquiry officer, Mr.S.Bharath, was also requested to wind up the enquiry and not to proceed further. The resolution dated 10.09.2024 was issued on the assurance of the writ petitioner regarding his future good conduct.

11.Four months thereafter, the 3rd respondent passed the first of the impugned order on 07.02.2025. By this proceedings, Mr.S.Bharath, who was called upon to stop all further enquiry proceedings, was replaced by one Mr.C.Rajkumar. The Secretary and Correspondent further directed the enquiry to be proceeded further.



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12. Acting on this letter, the enquiry officer called upon the writ petitioner to be present on 24.02.2025 for progressing further with the enquiry. Immediately, the petitioner issued a letter on 17.02.2025 to the enquiry officer, bringing to his notice that the order of this Court dated 22.07.2024 as well as the order dated 18.10.2024, dropping the enquiry and requested the enquiry officer to withdraw the notice of enquiry.

13. The enquiry officer is said to have written a letter on 20.02.2025 to the Secretary and Correspondent. A copy of the same has not been produced during the writ or this proceeding. After referring to the aforesaid proceedings, the Secretary and Correspondent issued a letter on 27.02.2025. In this letter, it was alleged that the former Director, who had issued the letter dated 18.10.2024, had done so without authorisation. It was added that as per the Tamil Nadu Private Colleges (Regulation) Act, 1976, it is only the Correspondent who has that power and that the proceedings of the college Council dated 18.10.2024 was unauthorised. Hence, the petitioner was charged of having submitted a fraudulent document and was called upon to submit his explanation.



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14.The enquiry officer wrote to the writ petitioner stating that as the 3rd respondent had stated the proceedings are unauthorised, he intends to proceed further with the enquiry.

15.Challenging the letter dated 07.02.2025 and the charge memo dated 05.02.2021, the petitioner filed W.P.No.8475 of 2025. By an order dated 13.03.2025, this Court permitted the enquiry to proceed further, but directed the enquiry officer not to finalise the proceedings and await the order of the Court. The very next day after this order, a College Council meeting was held on 14.03.2025 withdrawing the resolution passed on 10.09.2024 and 20.12.2024. It also recommended that action be initiated against the writ petitioner.

16.Subsequently, the 3rd respondent filed a counter to the writ petition. The petitioner filed W.M.P.No.13220 of 2025, seeking to amend the prayer. By this amendment, he challenged the resolution of the college Council dated 14.03.2025.

17.With the pleadings having been completed, the learned Single Judge took up the writ petition for disposal.



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18.The learned Single Judge took note of the following facts:-

(i)The first resolution was passed on 28.01.2016 and charge memo was served five years thereafter.

(ii)The very same college Council decided to request the 3rd respondent to drop the disciplinary proceedings against the writ petitioner by its resolution dated 10.09.2024.

(iii)Acting on the recommendation, one of the Directors of the college Council, (acting as the Secretary and Correspondent) issued a letter dated 18.10.2024 dropping the charges against the writ petitioner.

(iv)The proceedings having been initiated on the basis of the resolution of the college Council, the said Council also had the power to drop the proceedings initiated on the basis of its resolution.



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(v)The entire disciplinary proceedings had been initiated against the petitioner in order to remove him from the post and to appoint another person as the Principal of the college, though the petitioner was the most eligible person to be appointed.

(vi)The resolution dated 14.03.2025 does not disclose any reasons for withdrawal.

19.After having given these findings, the learned Judge allowed the writ petition.

20.Challenging the same, the present writ appeal.

21.We heard Mr.P.Godson Swaminath for the appellant, Mr.Balan Haridas for the 1st respondent and Mr.A.Selvendran, Special Government Pleader for respondents 2 & 3.

22.Mr.P.Godson Swaminath urged that the College Council is not a statutory body and therefore, its recommendations are not binding. He



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pleaded, in disciplinary matters, it is the Managing Committee who are empowered to decide on the issues relating to disciplinary proceedings and reliance on the resolution dated 10.09.2024 is misplaced.

23.Mr.Balan Haridas reiterated the contentions he placed before the learned Single Judge.

24.We have carefully considered the submissions of both sides and have gone through the records in detail.

25.At the outset, we should pointed out that the proceedings had been initiated by the College Council, as is clear, from its resolution dated 28.01.2016 and 12.04.2017. It is settled position of law, an authority who has power to initiate a proceeding also has the power to drop the proceeding so initiated. The very same college Council, which had initiated the proceedings in 2016 and 2017, decided to drop the proceedings on 10.09.2024. Acting on the said resolution, the Director of the college Council, acting as the Secretary and Correspondent, also issued a letter on 18.10.2024, dropping the proceedings. It was only nearly five months thereafter, the present Secretary and Correspondent



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decided to continue further with the enquiry, which had already been dropped.

26.As rightly pointed out by the learned Single Judge, when the order was passed on 07.02.2025, the resolution dated 10.09.2024 and impugned order dated 18.10.2024 were not withdrawn. The validity of these proceedings cannot be challenged, since it was only after an interim order was granted by this Court on 13.03.2025, the resolution withdrawing the resolution dated 10.09.2024 came to be withdrawn.

27.When the enquiry officer attempted to proceed further on the basis of the letter dated 07.02.2025, the writ petitioner pointed out that as all the proceedings had been dropped, the attempt of the enquiry officer to proceed further is untenable. The communication dated 20.02.2025 between the 3rd respondent and the enquiry officer has not been disclosed even in the typed set of papers filed in this writ appeal. It was only thereafter, the enquiry officer seems to have proceeded further on the basis of this undisclosed letter.

28.The letter dated 27.02.2025 holds that the letter issued by the



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Secretary on 18.10.2024 was unauthorised one. It has failed to note that the letter dated 18.10.2024 was issued on the basis of the recommendation of the college Council. It was only after the petitioner had approached this Court and had obtained an interim order, a meeting of the college Council was held and the resolution dated 10.09.2024 was withdrawn.

29. When the resolution dated 10.09.2024 had been relied and acted upon and proceedings had been dropped, to revive the enquiry by way of another resolution and that too, after an interim order was granted by this Court on 13.03.2025, is an attempt to override the proceedings initiated before this Court. Any action taken during the pendency of the writ petition would obviously be subject to the result of the said proceedings.

30. When the 3rd respondent issued a letter on 07.02.2025, the resolution dropping further action as well as the consequential proceedings were in force. A copy of the resolution dated 10.09.2024 has been produced in the typed set of papers. It shows 12 members of the college Council had signed it and so did three special invitees to the said meeting. Had the resolution remained as it is, perhaps, it is in the power



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of the college Council to withdraw the resolution and pass another one.

Unfortunately, for the appellant, relying on the resolution of the college Council, dated 10.09.2024, the Director of the college Council acting as the Secretary and Correspondent, issued the proceedings dropping the enquiry against the writ petitioner.

31.By a combined reading of the minutes of the college Council dated 10.09.2024 and the letter dated 18.10.2024, one can come to the conclusion that the very initiation of the proceeding based on the College Council resolution dated 28.01.2016 and 12.04.2017, were dropped.

32.Insofar as the plea of Mr.P.Godson Swaminath is concerned, that the college Council did not have the power to drop the proceedings on 10.09.2024 is concerned, we have to point out it was the very same Council which had passed a resolution on 28.01.2016 and 12.04.2017. Mr.P.Godson Swaminath does not question the jurisdiction of the said Council to pass those resolution, but only questions the resolution dated 10.09.2024. It does not lie on the mouth of the appellant that the college Council can initiate proceedings, but cannot drop the proceedings initiated by it.



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33.In addition, the enquiry too, as rightly pointed out by the learned Single Judge, had been initiated after a delay of nearly five years.

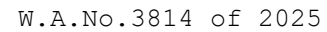
There is something more than what meets the eye, with respect to the impugned orders. It was the aforesaid aspect, which it loomed large at the time of the disposal of the writ petition.

34.We should add here that, the very letter dated 05.02.2021, which issued the charge memo, is based on a college Council's resolution dated 28.01.2016 and 12.04.2017, as well as the preliminary enquiry report dated 10.04.2017.

35.It is here that we recall the latin maxim:-

“sublato fundamento cadit opus – when the foundation is removed, the work falls”

36.This maxim has been applied by the Supreme Court in ***State of Punjab Vs. Davinder Pal Singh Bhullar & others, AIR 2012 SC 364.*** The Court held after referring to the judgments in ***Badrinath Vs. Government of Tamil Nadu and others, AIR 2000 SC 3243*** and ***State of Kerala Vs. Puthenkavu N.S.S.Karayogam and another, (2001) 10 SCC 191***, held that once the basis of a proceeding is gone, all consequential



37. When the resolution dated 10.09.2024 and order dated 18.10.2024 withdrew the resolution dated 28.01.2016 and 12.04.2017, the entire basis of initiating proceedings against the writ petitioner fell to the ground.

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elements. Yet, it is a continuing legal entity separate from its individual office bearers. The acts of the office bearers bind the organisation as a whole. The college's obligations and decisions do not cease with the change of leadership. Allowing validly passed previous orders to be recalled, due to change in the office bearers, is a sure road to administrative chaos and uncertainty. It would give rise to wasteful litigation, as in the present case.

39.Mr.P.Godson Swaminath does not challenge the resolutions passed by the college Council on 10.09.2024 and the order passed by the Secretary and Correspondent (in-charge) on 18.10.2024, as being malafide and arbitrary. A mere change in the persons holding office, in our view, is not a ground to recall the order validly passed. Validly passed orders stand firm against subsequent changes in office-bearers.

40.If we were to accept the argument of Mr.P.Godson Swaminath, it will amount to removing the cornerstone of administrative law, which is the necessity for a legal and administrative certainty. Change in composition of the College Council or in the person holding office, cannot be a ground to re-initiate proceeding which had been dropped.



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Hence, we do not find any merits in the writ appeal.

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41.In the result, this Writ Appeal stands dismissed. Consequently,
the connected miscellaneous petition is closed. No costs.

(R.S.K., J)

(V.L.N., J)

02.01.2026

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.Dr.J.HajaGani,
Son of S.N.Jainulabideen,
Aged about 49 years,
66C, 1st Main Road, BHEL Nagar,
Medavakkam, Chennai – 600 100.
- 2.Commissioner of Collegiate Education,
Directorate of Collegiate Education,
577, Anna Salai, Saidapet, Chennai – 600 015.
- 3.The Regional Joint Director of Collegiate Education,
No.577, Anna Salai,
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