



W.P.(MD) No.21352 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
27.03.2026	17.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.21352 of 2023
and
W.M.P.(MD) No.17762 of 2023

Dr.K.Krishnan

... Petitioner

-vs-

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

2.The Joint Director of Collegiate Education
Madurai Region
Palam Station Road
Madurai-625 002

3.Secretary
Saraswathi Narayanan College
Perungudi, Madurai-625 022
Madurai District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned proceedings issued by the third respondent received on 02.09.2022, quash the same, and further direct the respondents herein to forthwith disburse the salary for the period from 16.12.2021 to 14.04.2022, award annual increment for January, 2022, disburse earned leave (EL) surrender and leave on private affairs (LPA) and special provident fund (SPF) based on the same to revise the pension proposal.

For Petitioner : Ms.A.Amala

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 & R2
Mr.V.R.Shanmuganathan for R3

ORDER

Heard Ms.A.Amala, learned counsel for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.V.R.Shanmuganathan, learned counsel appearing for the third respondent – College.

2. Though an elaborate affidavit has been filed in support of this writ petition and elaborate submissions were also made, this Court does not



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it necessary to advert to all those facts and is inclined to make a reference only to the certain facts that are relevant for the disposal of this writ petition.

3. The petitioner, who was initially appointed as Lecturer in the third respondent – College, was upgraded / promoted from time to time finally to the post of Head of the Department of Mathematics Department with effect from 2015. While the petitioner was working as such, he was also kept in charge of the post of Principal and also as Self-Finance Director in charge and Secretary Office in charge etc.

4. While so, through proceedings dated 16.12.2021, the petitioner was placed under suspension by the third respondent and the same was extended through proceedings dated 09.02.2022 for another period of two months. Further, a charge memo dated 02.03.2022 was issued to the petitioner consisting of twenty counts of charges and the petitioner was called upon to submit his explanation. Though there appears to be a grievance with regard to the non-furnishing of certain documents, the petitioner submitted his explanation on 15.03.2022 and it was thereafter, the third respondent constituted an Enquiry Committee through proceedings dated 18.03.2022.



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5. Challenging the charge memo dated 02.03.2022 and the consequential proceedings dated 18.03.2022 constituting an Enquiry Committee, the petitioner approached this Court by filing a writ petition in W.P.(MD) No.5705 of 2022 and obtained interim stay *vide* order dated 30.03.2022 while directing the third respondent to disburse the subsistence allowance to the petitioner for the suspension period. While so, through proceedings dated 13.04.2022, the petitioner was reinstated into service while asking him to discharge his duties as a junior-most in the Department. Aggrieved thereby, the petitioner once again approached this Court by filing a writ petition in W.P.(MD) No.9333 of 2022 and obtained interim stay *vide* order dated 24.06.2022.

6. While things stood thus, the third respondent lodged a complaint before the Superintendent of Police, Madurai District, against the petitioner alleging misappropriation of the college funds and the petitioner also claims to have made a complaint against the third respondent. While the said complaints were pending, the petitioner and the third respondent entered into a Memorandum of Understanding dated 19.07.2022, wherein a reference was made to the misappropriation of the college funds alleged to have been



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committed by the petitioner to the tune of Rs.80,00,000/- while he was working in the third respondent – College and the petitioner agreed to repay an amount of Rs.20,00,000/-, to go on voluntary retirement and also to withdraw the writ petitions that were pending before this Court. On the other hand, the third respondent agreed to process the pension proposals of the petitioner and to co-operate for release of the pension amounts and other terminal benefits in favour of the petitioner. In terms of the said understanding, the petitioner paid a sum of Rs.20,00,000/- on 20.07.2022 and also withdrawn both the writ petitions referred to above on 22.07.2022 and also approached the third respondent for disbursing the retirement benefits and also stated to have made a claim for payment of 50% of the balance salary for the period of suspension i.e., from 16.12.2021 to 14.04.2022 and also for release of the annual increment, which is stated to be due in the month of January, 2022. Accordingly, the voluntary retirement application of the petitioner was accepted by the third respondent and the petitioner was relieved from service with effect from 01.08.2022.

7. It was at that stage, the third respondent issued the impugned proceedings dated 02.09.2022 treating the period of suspension as punishment and requiring the petitioner to remit the amount of subsistence



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allowance that was paid to him for the period of suspension to the tune of Rs. 5,62,299/- to the Government Treasury so as to process his pension proposals.

8. In response to the said proceedings dated 02.09.2022, the petitioner paid the said amount to the Government Treasury on 09.09.2022 through challan and furnished a copy of the challan to the third respondent through letter dated 12.09.2022. It was thereafter, the pension proposals of the petitioner were processed and the Accountant General issued proceedings bearing No.AG(A&E) PEN P24/12424623/2/R2424623, dated 16.03.2023 sanctioning the terminal benefits of the petitioner. However, the terminal benefits of the petitioner were not released for want of submission of no due certificate from the third respondent – College. It was at that stage, the petitioner approached this Court once again by filing a writ petition in W.P. (MD) No.9972 of 2023 and this Court directed the respondents 3 & 4 therein, including the third respondent herein, to pass orders on the request of the petitioner for issuance of no due certificate. Based on the said direction, the petitioner has drawn all his terminal benefits. It is thereafter, in the month of August, 2023, the petitioner has approached this Court by filing the present writ petition assailing the order dated 02.09.2022 and also seeking a direction



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to the respondents for payment of salary for the suspension period and release of annual increment etc.

9. This Court, having taken note of the totality of the facts and circumstances of the case, expressed its view initially as to how the petitioner can maintain this writ petition against the impugned proceedings dated 02.09.2022 after having accepted the punishment imposed on him through the said proceedings and having remitted the entire amount in terms of the said proceedings.

10. In response thereto, learned counsel for the petitioner submitted that the petitioner has paid the said amount covered by the proceedings dated 02.09.2022 only under protest and also on compelled circumstances. The entire terminal benefits due and payable to the petitioner were not paid and therefore, the petitioner was compelled to pay the said amount. Thus, learned counsel for the petitioner submitted that the same cannot be treated as accepting the impugned proceedings dated 02.09.2022. This aspect needs to be examined in the context of the facts and circumstances of the case on hand, which are already noted herein above.



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11. The petitioner, who was working as Head of the Department of Mathematics Department in the third respondent – College, accepted to remit an amount of Rs.20,00,000/- at once as against the allegation of misappropriation of the college funds to the tune of Rs.80,00,000/-. This itself is a shocking factor. As already noted above, the allegation of misappropriation of Rs.80,00,000/- by the petitioner is specifically stated in the Memorandum of Understanding dated 19.07.2022. It is also stated that it is only considering the request of the petitioner, the third respondent has agreed to receive an amount of Rs.20,00,000/- as settlement subject to a condition that the petitioner shall go on voluntary retirement and shall not interfere with the affairs of the third respondent – College nor get in touch with any of the staffs of the College in future. In the entire affidavit filed in support of this writ petition, the petitioner has not made any attempt either to dispute the contents of the Memorandum of Understanding or to explain what made him to pay such a huge sum of Rs.20,00,000/- at once, while agreeing to get out of the College. The petitioner has agreed to withdraw W.P.(MD) No. 5705 of 2022, wherein a charge memo was challenged and there are no other terms agreed between the parties with regard to the said charge memo and disciplinary proceedings, as is evident from the Memorandum of Understanding. After withdrawal of the writ petitions referred to above, when



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the third respondent proceeded further and passed an order on 02.09.2022, the petitioner volunteered to remit an amount of Rs.5,62,299/- on 09.09.2022 through challan to the Government Treasury and furnished a copy of the said challan to the third respondent through letter dated 12.09.2022. A copy of the said letter is placed before this Court by the third respondent. Absolutely, there is nothing in the said letter nor any other material is placed before this Court to show that the petitioner remitted the said amount only under protest or under coercion. In the absence of any contemporaneous supporting material, it cannot be said that the petitioner has remitted the said amount either under protest or undue coercion.

12. No doubt, the said proceedings dated 02.09.2022 is an order of punishment straightaway imposed on the petitioner without there being any enquiry as required under law, after the petitioner had withdrawn the writ petitions referred to above. The said order may be bad for non-compliance with the principles of natural justice. In this connection, it would be relevant to refer to the stand of the third respondent – College in its counter-affidavit at Paragraph No.7, which reads as under:

“7. I submit that accordingly he tendered his resignation on 20/7/2022 and withdrew the cases on



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22/7/2022. He had also paid a sum of Rs. 20 lakhs as agreed. I submit that thereafter when the college management forwarded the proposals to the department for approving the VRS and for pensionary benefits, the official respondents would maintain that if VRS proposal had to be accepted, the enquiry initiated as against the petitioner must have its logical end and therefore the period of suspension be treated as period of punishment and that the petitioner may have to return subsistence allowance paid to him for the four months to the tune of Rs.5,62,299/-ie 50% of the salary from 16/12/2021 to 14/4/2021 the period of suspension. I submit that when the same was brought to the knowledge of petitioner he agreed willingly.”

13. As against the specific stand of the third respondent - College, the petitioner has not chosen to contradict the said stand either by filing a rejoinder / reply affidavit or otherwise. In the absence of any contradiction to the averments contained in Paragraph No.7 of the counter-affidavit of the third respondent – College, the same has to be accepted as true. Once the petitioner accepts the punishment imposed on him through proceedings dated 02.09.2022, it is not open for him to come around and challenge the said proceedings at a later point of time.



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14. This Court is persuaded to arrive at such a conclusion for yet another reason i.e. when the third respondent did not co-operate with the petitioner for issuance of no due certificate in the year 2023 i.e., before the release of the terminal benefits of the petitioner, the petitioner approached this Court by filing a writ petition in W.P.(MD) No.9972 of 2023 and the said writ petition came to be disposed of by an order dated 30.06.2023 as already noted above. If at all the petitioner has got any grievance against the impugned proceedings dated 02.09.2022, he would have agitated the same at least while filing the above said writ petition. Therefore, this Court is more persuaded to accept the stand of the third respondent – College as reflected in Paragraph No.7 of its counter-affidavit.

15. Yet another reason, which persuaded this Court not to exercise its discretion in favour of the petitioner is the conduct of the petitioner. The petitioner, who was entrusted with the responsibility of holding the post of Head of the Department of Mathematics Department and also in charge of Self-Finance Director and Office Secretary, he ought not to have given any scope for allegation of misappropriation of the college funds and ought not to have agreed to remit an amount of Rs.20,00,000/- at once, once a criminal complaint was lodged by the third respondent. Perhaps, it is



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only because of his involvement in misappropriation of the college funds, which was subject matter of a police complaint, the petitioner appears to have accepted the punishment imposed on him through the impugned proceedings and remitted an amount of Rs.5,62,299/- within a week from the date of the said proceedings and has chosen to initiate a chance litigation by filing the present writ petition.

16. In the light of the above, though the impugned proceeding appears to be the one not in accordance with law, for want of non-compliance of the principles of natural justice, in the light of the reasons assigned herein above, this Court is not inclined to exercise its discretionary and extraordinary jurisdiction under Article 226 of the Constitution of India.

17. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.06.2026

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

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To:

- 1.The Director of Collegiate Education,
College Road, Chennai-600 006.
- 2.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai-625 002.



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MUMMINENI SUDHEER KUMAR, J.

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ORDER
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