

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.08.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Cont. P. No. 1276 of 2015

C.Jayaseelan

.. Petitioner

Vs

Dr.M.Jayakumar
Registrar,
Thiruvalluvar University,
Serkadu - 632 115,
Vellore District.

.. Respondent

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for willful disobedience of the order of this Court passed in W.P.No.2750 of 2015, dated 05.02.2015.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Mr.V.Gangatharan

O R D E R

This Contempt Petition has been filed for willful disobedience of the order and direction issued by this Court in W.P.No. 2750 of 2015, dated 05.02.2015.

2. The petitioner sought for issuance of a Writ of Mandamus, to direct the respondent University to consider his representation dated 22.07.2014. In the said representation, the petitioner sought for change of guide to pursue his Ph.D., programme, since the guide to whom he was attached, was unwell. Though the request for change of

guide along with No Objection letter from Dr.Abdul Rahuman was submitted, the University did not take any action. Therefore, the petitioner after having waited for a reasonable period of time, filed the Writ Petition before this Court for the aforesaid relief.

3. This Court by order dated 05.02.2015, directed the respondent University to consider the petitioner's representation within a period of three weeks. It is a matter of regret that the respondent University did not comply with the order passed by this Court within the time permitted inspite of the petitioner's letter dated 01.03.2015 and followed by a remainder and a legal notice dated 20.04.2015. Thereafter, the petitioner filed this Contempt Petition and in the Contempt Petition, the learned Standing counsel for the University accepted notice and sought time to get instructions. Today when the matter is heard, the learned Standing counsel appearing for the respondent University has produced the copy of the proceedings of the Registrar of the University, dated 31.07.2015 from which it is seen that the request for change of guide has been approved and further, the communication of the Registrar, dated 31.07.2015 confirms that the guide to whom the petitioner was originally attached, had given a No Objection Certificate for change of guide due to his health problem. Therefore, the request for change of guide was not due to any other factor attributed to the petitioner. That apart, the petitioner cannot be blamed for the delay caused by the University to consider his request. The representation for the change of guide was given as early as 22.07.2014 and orders have been passed after one year on 31.07.2015. In the interregnum, the petitioner has lost seven months of valuable time during which he could have pursued his Ph.D., programme. Therefore, while accepting that the respondent complied with the direction issued in the Writ Petition, there will

be a direction to the respondent University to exclude the seven month period during which the petitioner's application for change of guide was kept pending for no reason attributable to the petitioner while computing the five years period for completing the Ph.D., programme.

4. The learned counsel appearing for the petitioner submitted that the petitioner is also entitled for the stipend for the said period. However, this was not the prayer in the Writ Petition, however this will not preclude the petitioner to submit his representation with regard to the stipend.

5. Accordingly, the Contempt Petition is disposed of with the above directions. No costs.

Pbn

SD/-

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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One CC to Mr.S.Sathia Chandran, Advocate, SR. 11084

One CC to Mr.V.Gangatharan, Advocate, SR 10588

To

Dr.M.Jayakumar
Registrar,
Thiruvalluvar University,
Serkadu - 632 115,
Vellore District.