



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.09.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
W.P. (MD) No.15895 of 2015
and M.P. (MD) No. 1 of 2015

WEB COPY

Vinod Vincent Rajesh

... Petitioner

Vs.

The Registrar,
Manonmaniam Sundaranar University,
Abhishekpatti, Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 25.08.2015 in MSU/R/Estt.T/Histor/2015 passed by the respondent and quash the same as illegal and consequentially directing the respondents to reinstate the petitioner into service.

For Petitioner	...	Mr.Antony S.Prabhakar
For Respondents	...	Mr.Mahaboob Athiff for M/s Ajmal Associates

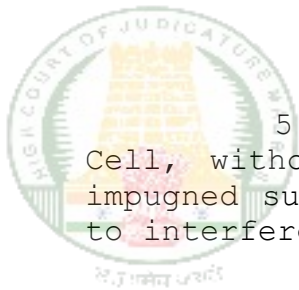
O R D E R

This Writ Petition has been filed by Vinod Vincent Rajesh challenging the correctness of the impugned suspension order dated 25.08.2015 issued by the Registrar, Manonmaniam Sundaranar University, Tirunelveli District.

2. By consent, this writ petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent.

4. The learned counsel for the petitioner would submit that the respondent has committed violation of principles of natural justice by passing the impugned suspension order and they have violated the Rule 3 (6) of the Service Statute 13 of the Manonmaniam Sundaranar University. Further, the learned counsel would submit that the petitioner is working as an Assistant Professor in the respondent University in the History Department for more than 10 years without giving any room for giving any complaint. Accepting the false allegations from the students, who recently joined the College i.e. five days prior to the date of complaint, the order of suspension has been passed. The respondent invited the petitioner for enquiry by issuing notice on 11.08.2015 to appear before the Grievance Redressal Cell on 13.08.2015 at 2.30 p.m calling for clarification regarding the complaints given by some of the students to the chairperson.



5. After the petitioner appearing before the Grievance Redressal Cell, without holding proper enquiry nor issuing any charge memo, the impugned suspension order has been passed. Therefore, the same is liable to be interfered with.

6. The respondent has accepted the allegation of very new students, who have joined the college 5 days prior to the date of complaint. This will set a bad precedent causing huge hardships to the teachers and professors working in the respondent university.

7. The learned standing counsel appearing for the respondent University would submit that the petitioner was called only for preliminary enquiry to find out certain facts. But, it does not mean that the respondents have held the full pledged enquiry. Adding further, he would submit that on receipt of the complaint the petitioner has been placed under suspension by the impugned order. Now the respondent will issue charge memo for the specific charges for which the petitioner has to submit his explanation. On receipt of the explanation, if the same is not found satisfactory, the enquiry officer will be appointed. On completion of the fair enquiry, definite decision will be taken thereof. The said statement of the learned Standing Counsel appearing for the respondent is recorded.

8. In view of the abovesaid statement and considering the fact that the petitioner will issue a charge memo this Court is not inclined to issue any direction. It is for the respondent to complete the enquiry after giving sufficient opportunity to the petitioner as expeditiously as possible on merits.

9. With the above direction, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The Registrar,
Manonmaniam Sundaranar University,
Abhishekpatti, Tirunelveli District.

+1cc to M/S.Kara Associates, SR.No.52465
+1cc to M/S.Ajmal Associates, Advocate SR.No.51212
+1cc to M/S.Chamundi Bose, Advocate SR.No.51106

W.P. (MD) No.15895 of 2015
and M.P. (MD) NO. 1 of 2015
02.09.2015

ses

NS/GSV-PM/06.10.2015 : 2P/5C