

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

WRIT PETITION No.26473 of 2016

T.Kannan

... Petitioner

vs.

The Registrar,  
Annamalai University,  
Annamalai Nagar - 608 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondent University to consider and dispose of the petitioner's representation dated 08.07.2016 in accordance with law.

For Petitioner : Mr.J.Nagarajan

For Respondent : Mr.V.R.Kamalanathan

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondent University to consider and dispose of his representation dated 08.07.2016 in accordance with law.

2. According to the petitioner, he completed graduation and post-graduation in Agriculture in the respondent University. He was offered an appointment of Deputy Garden Superintendent in the faculty of Agriculture, Annamalai University, Annamalai Nagar, Chidambaram, vide appointment order No.997/2002 (C1), dated 25.09.2002 after satisfying his credentials with a careful scrutiny. After satisfaction of probation, his service as Deputy Garden Superintendent was confirmed on 01.01.2007.

3. The petitioner went on medical leave for 101 days from 05.03.2014 to 23.01.2015. He produced Medical Certificates from Government Doctors of high calibre and esteem. But, the respondent University had constituted a Medical Board of its own Doctors' team from the Faculty of Medicine without resorting to State Medical Board, a procedure in vogue. The Enquiry Committee had met on 24.02.2015 at 3.00 p.m. and arrived at a negotiation akin quietus of the availing of medical leave. The

petitioner gave a requisition to join duty on 24.02.2015. Meanwhile, another Enquiry Committee was instituted to enquire into the genuineness of the petitioner's Tenth Matriculation Mark Sheet and the respondent University gave an assurance that the petitioner's grievance will be considered after the other enquiry into the genuineness of his Tenth Mark Sheet.

4. It is the further case of the petitioner that his Tenth Matriculation Mark Sheet missed from his possession in the process of photocopying it. The petitioner had written to the Directorate of Government Examination on 23.01.2015 in a proper manner. But, the respondent University urged the petitioner to produce his Tenth Mark Sheet and asked him to appear before the Enquiry Committee. The first Enquiry Committee was set to hear the petitioner on 27.04.2016 at 11.00 a.m. by virtue of Office Memorandum No.C1-3/6656/2015, dated 20.04.2016, but, it was postponed. The next hearing of the Enquiry Committee was slated to 02.06.2016 at 11.00 a.m.

5. As the petitioner did not get a satisfied reply from the Directorate of Government Examination, he filed W.P.No.18422 of 2016 for a direction to the respondent University to recognize his employment status as Deputy Garden Superintendent in the Agriculture faculty of the respondent University and for payment of salary arrears due and also a direction to the Directorate of Government Examination, Chennai to issue the certified copy of his Tenth Matriculation Mark Sheet. This Court disposed of the said Writ Petition directing the Directorate of Government Examination, Chennai to issue the certified copy of the petitioner's Tenth Matriculation Mark statement within three days from the date of receipt of a copy of the order dated 25.05.2016 and on receipt of the certified copy of the Tenth Mark Sheet, the petitioner was directed to appear before the Enquiry Committee on 09.06.2016. On the second sitting of Enquiry Committee on 09.06.2016, the petitioner was audaciously denied the facility of assistance of an Advocate from Chennai. Hence, the petitioner sent a detailed representation on 08.07.2016 requesting to redress his grievance before the ensuing third sitting of the Enquiry Committee set up for ascertaining the genuineness of his Tenth Matriculation Mark Sheet. Finding no response from the respondent on the said representation, the petitioner is before this Court.

6. Learned counsel for the petitioner submitted that a direction may be given to the respondent to consider the petitioner's representation dated 08.07.2016 and pass appropriate orders within a time frame.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. Having regard to the submissions made by the learned counsel counsel for the petitioner, this Court directs the respondent to consider the petitioner's representation dated 08.07.2016 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction.  
No costs.

Sd/-  
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To:

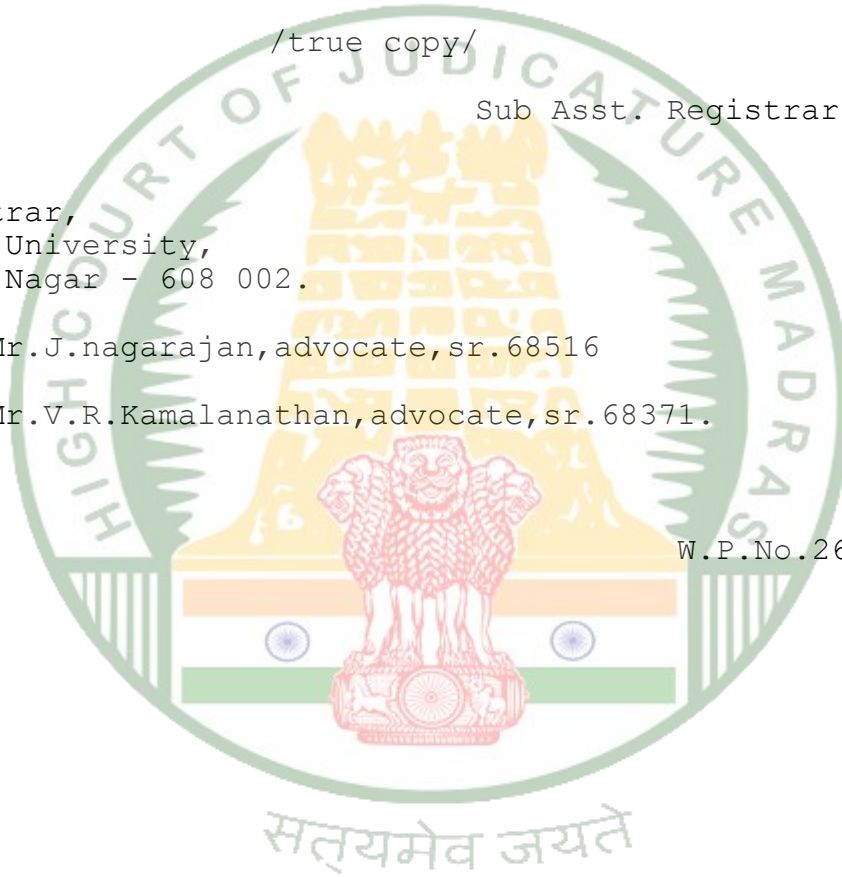
The Registrar,  
Annamalai University,  
Annamalai Nagar - 608 002.

+1 cc to Mr.J.nagarajan,advocate,sr.68516

+1 cc to Mr.V.R.Kamalanathan,advocate,sr.68371.

ug(co)  
krd 29/11

W.P.No.26473 of 2016



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