

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.11.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.37739 to 37741 of 2016
And
W.M.P.Nos.32349 to 32354 of 2016

R.Arumugam	...	Petitioner in W.P.No.37739/2016
U.T.Anandarajan	...	Petitioner in W.P.No.37740/2016
R.Govindasamy	...	Petitioner in W.P.No.37741/2016

Vs.

The Registrar,
Periyar University,
Periyar Palkalai Nagar,
Salem - 636 011. ... Respondent in all the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari by calling for records with respect of the impugned show cause notice issued by the respondent herein dated 19.10.2016 and quash the same.

For Petitioners : Mr.R.Nalliyappan
For Respondent : Mr.P.Godson Swaminath

C O M M O N O R D E R

By consent, these writ petitions are taken up for final disposal.

2.The writ petitions have been filed seeking Certiorari by calling for records with respect to the impugned show cause notice issued by the respondent herein dated 19.10.2016 and quash the same.

3.The respondent herein, based on the notification dated 03.06.1999, called for application for appointment to certain posts including Lab Assistant. The qualification fixed by the respondent for appointment to the post of Lab Assistant at that time was a pass in the Plus Two Examination, to read and write Tamil and riding bicycle. Since the petitioners acquired the above said qualification, they were appointed as the Lab Assistants. Subsequently, they were promoted to the post of

Junior Assistant and were further promoted as Assistant.

4. While so, the respondent issued show cause notice dated 19.10.2016, to the petitioners alleging that though they were not having the requisite qualification of a pass in any degree with 55% marks in the discipline concerned and a minimum experience of two years in the Laboratory of any educational institution, they were appointed as Lab Assistant and they were promoted as Junior Assistant on 31.07.2006, though the University Statutes and the relevant Rules do not permit such promotion for a Lab Assistant and that they were promoted as Assistant on 20.11.2009 though the University Statutes and the relevant Rules do not permit such promotion for a Lab Assistant and the petitioners were called for to give explanation for the said allegations in the show cause notice.

5. The learned counsel appearing for the petitioners would state that the petitioners have submitted their detailed explanation to the show cause notice on 24.10.2016, but the respondent without considering the same and without conducting any enquiry, is openly declaring that he is going to remove the petitioners from service immediately. Hence, he prayed for quashment of the impugned order.

6. Today, when the matter is taken up for consideration, the learned counsel appearing for the respondent University submitted that the petitioners have already submitted their reply on 24.10.2016 in which, they have sought for the particulars about the audit objections and further submitted that the respondent is also prepared to furnish the audit objections and on receipt of the audit objections, if the petitioners submit their detailed reply, the same would be considered in accordance with law. The said submission is recorded.

7. In view of the submissions made by the learned counsel appearing for the respondent University, this Court directs the respondent to furnish the audit objections, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the petitioners are directed to give their detailed reply within a period of two weeks thereafter and on receipt of the reply, the respondent is directed to pass appropriate orders, on merits and in accordance with law.

8.The writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

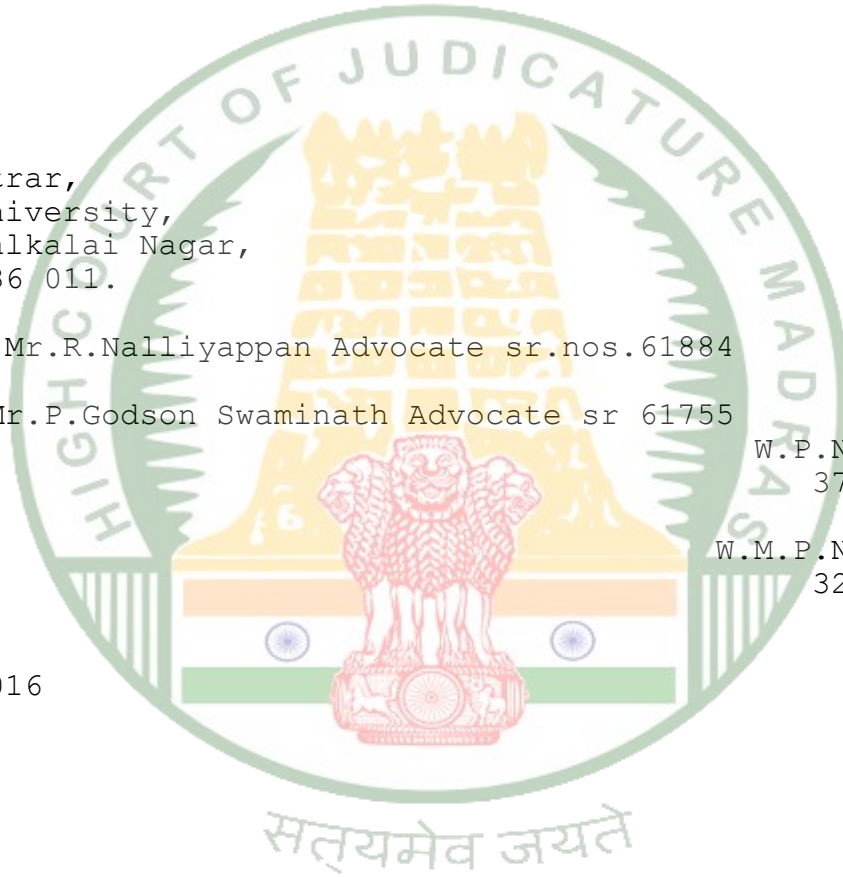
The Registrar,
Periyar University,
Periyar Palkalai Nagar,
Salem - 636 011.

+3 ccs to Mr.R.Nalliyappan Advocate sr.nos.61884
to 61886

+1 cc to Mr.P.Godson Swaminath Advocate sr 61755

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32354 of 2016

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