



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

W.A.(MD).No. 863 of 2015

and

M.P.No. 1 of 2015

Dr.Mohan Raj
S/o.R.Jeyaraj
Principal (Retd)
Kamaraj College
Tuticorin

: Appellant

Vs.

1.The Deputy Secretary to Government
Higher Education (E2) Department
Secretariat, Chennai.

2.The Secretary,
Kamaraj College,
Thoothukudi

3.Manonmaniam Sundaranar University
Rep. by its Registrar,
Abishekapatti
Tirunelveli.

4.S.Kannan
Associate Professor (Commerce)
Kamaraj College,
Thoothukudi

5.C.S.Rajendran
Secretary,
Kamaraj College,
Thoothukudi.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 23.04.2015 made in W.P.(MD).No. 13584 of 2013 on the file of this Court.

<https://hcservices.courts.gov.in/hcservices/> WP(MD)No.13584 of 2013: To issue a WRIT OF CERTIORARI to call for the records relating to the impugned letter



vide letter No.36376/E2/2011-5 dated 12.08.2013 passed by the 1st respondent and quash the same.

For Appellant : Mr.G.R.Swaminathan for
Mr.T.Antony Arul Raj

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader for R1
Mr.Mahaboob Athiff for
M/s.Ajmal Associates for R3
Mr.R.Subramanian for R4
No appearance for R1,2 and R5

JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble The Chief Justice]

Kamaraj College, Tuticorin, a private Aided College, affiliated to the Manonmaniam Sundaranar University, Tirunelveli, had its post of Principal falling vacant in the year 2005. It is the case of the appellant that he was appointed as the Principal, but that appointment was set aside by the Division Bench of this Court with a direction to follow the University Grants Commissions regulations. In this subsequent process, the appellant once again came to be selected for the post and the College vide its communication dated 17.06.2008 called upon the Department of Collegiate Education for grant of approval for the selection effective from 09.06.2008. The appellant claims to have taken over charge as Principal in anticipation of approval.

2. The issue of approval, we may note, did not mature and thus, the appellant approached this Court by filing a writ petition in W.P.(MD) No.6742 of 2008, which is still pending consideration.

3. In the meantime, it is the case of the appellant that on account of the acts of the office bearers of the Teachers Association, the University issued the impugned communication, dated 12.08.2013, reverting the appellant from the post of Principal. The appellant filed the writ petition in W.P.(MD) No.13584 of 2013 seeking to quash this communication and interim stay was granted.

4. On a subsequent enquiry, the matter was entrusted to the police authorities as a suspicion arose about the authenticity of the impugned letter. Post investigation, this order was found to have been forged. Most unfortunately, the Advocate concerned Mr.V.Dhayala Mani was found to have forged and fabricated the communication. The beneficiaries of the forgery were, however, cited as witnesses, while Mr.Dhayala Mani is the accused in Crime No.42/2013. Thus, the allegations appears to be that the Advocate



forged the order of the 1st respondent authority, for the benefit of his clients, but apparently without their collusion.

5. The writ petition was disposed of by the impugned order on 23.04.2015 and the reason for the appellant to come up in appeal is only that after noticing all the aforesaid facts, the learned Single Judge has opined that the impugned order is self explanatory. In fact, the impugned order, having been found to be forged, would actually result in a situation, where it is nonest and would have no force of law.

6. We agree with the submission of the learned counsel for the appellant to the aforesaid extent making it clear as aforesaid and thus the so called order of reversion, which is a forged order, would not stand.

7. We, however, cannot rest our order with this, as we are of the view that the papers relating to Crime No.42/2013 ought to have been forwarded to the Bar Council of Tamil Nadu and Pondicherry for necessary action and we direct the Registrar (Judicial) to ensure that these papers are forwarded to the Bar Council for necessary action. Needful to be done within two weeks.

8. The impugned order is modified to the aforesaid extent. Writ appeal stands disposed of, accordingly, leaving the parties to bear their own cost. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Deputy Secretary to Government

Higher Education (E2) Department , Secretariat, Chennai.

2.The Secretary,

Bar Council of Tamil Nadu and Pondicherry

High Court Campus, Chennai-104

Copy to:-

The Registrar(Judicial)

Madurai Bench of Madras High Court, Madurai

+One cc to M/s.Ajmal Associates, Advocate, SR.No.59064

+One cc to Mr.R.Subramanian, Advocate, SR.No.58227

+One cc to The Special Government Pleader, SR.No.58547

RR

RL/7C/3P/GSV/PM/SARI/20.10.2016

JUDGMENT MADE IN
W.A(MD) No.863 of 2015