

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.5617 of 2017 & W.M.P. Nos.5986 & 5987 of 2017

R. Prabhakaran

Petitioner

vs.

1 The Vice Chancellor
Annamalai University
Annamalai Nagar
Chidambaram, Cuddalore District

2 The Registrar
Annamalai University
Annamalai Nagar
Chidambaram, Cuddalore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the second respondent made in proceedings in Office Memorandum No.C3-1/19922/2015 dated 27.05.2016 and quash the same and consequently, direct the first respondent to reinstate the petitioner in service as Helper.

For petitioner Mr. N. Umapathi
For respondent No appearance

ORDER

The challenge in this writ petition is to the Office Memorandum dated 27.05.2016 issued by the Registrar, Annamalai University, the second respondent herein, in and by which, the statutory appeal preferred by the petitioner to recall/revoke the order of suspension passed by the second respondent, has been wrongly rejected by the very same authority, viz., the second respondent.

2 The learned counsel for the petitioner would submit that the petitioner was suspended on 04.03.2015 on the allegation of malpractice in the examination conducted; the petitioner, working as Helper in the Civil Engineering Department, has got nothing to do with the office of the Controller of Examinations; ergo, the petitioner preferred a

statutory appeal dated 21.03.2016 to the Vice Chancellor, Annamalai University, the first respondent herein; as the said statutory appeal was not considered, he was compelled to file a writ petition, viz., W.P. No.17350 of 2016, seeking a writ of mandamus directing the Vice Chancellor, Annamalai University, to dispose of his statutory appeal, on merits within a stipulated time; the said writ petition was disposed of by this Court vide order dated 05.05.2016 directing the Vice Chancellor, Annamalai University, to dispose of the petitioner's statutory appeal dated 21.03.2016 on merits and in accordance with law as expeditiously as possible, preferably within a period of one month from the date of receipt of a copy of the order; thus, when this Court, in the earlier round of writ petition, had specifically directed the Vice Chancellor, Annamalai University, to dispose of the petitioner's statutory appeal, the Registrar, Annamalai University, who passed the order of suspension, has erroneously rejected the petitioner's statutory appeal, which runs contrary to the direction issued by this Court vide order dated 05.05.2016; when a specific direction has been given by this Court to the Vice Chancellor, Annamalai University, to dispose of the statutory appeal preferred by the petitioner against the order of suspension passed by the Registrar, Annamalai University, the Registrar, Annamalai University ought not to have rejected the petitioner's statutory appeal, inasmuch as the order under challenge in the statutory appeal is his own order; therefore, the impugned order dated 27.05.2016 passed by the Registrar, Annamalai University, confirming the order of suspension passed by himself, is liable to be set aside.

3 This Court finds considerable force in the aforesaid submissions of the learned counsel for the petitioner. A perusal of the order dated 05.05.2016 passed by this Court in W.P. No.17350 of 2016 clearly shows that it is only the Vice Chancellor, Annamalai University, who has been directed to dispose of the petitioner's statutory appeal dated 21.03.2016 on merits and in accordance with law. Notwithstanding such a clear order passed by this Court, the Registrar, Annamalai University, sans any authority, has passed the order dated 27.05.2016 in the petitioner's statutory appeal, wherein, the subject matter of challenge is the order of suspension passed by himself. Secondly, when this Court had specifically directed the Vice Chancellor, Annamalai University, to dispose of the petitioner's statutory appeal, it is beyond the ken of this Court as to how the Registrar, Annamalai University, can pass orders in the petitioner's statutory appeal, usurping the power of the Appellate Authority. It is stated across the Bar that enquiry has been completed and the Enquiry Officer's report also has been submitted.

4 In view of the foregoing, the impugned order dated 27.05.2016 passed by the second respondent confirming the order of suspension passed by the second respondent himself, is set aside and the petitioner is directed to be reinstated forthwith. Further, the Disciplinary Authority is directed to pass final orders in the matter as expeditiously as possible.

Resultantly, this writ petition stands allowed, however, sans costs. Connected W.M.Ps. are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1 The Vice Chancellor
Annamalai University
Annamalai Nagar
Chidambaram, Cuddalore District

2 The Registrar
Annamalai University
Annamalai Nagar
Chidambaram, Cuddalore District

+1 CC to Mr.N. Umapathi, Advocate sr 39371

W.P. No.5617 of 2017

KJI (CO)
sp/20/6

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