IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.44520 of 2016

Varaaki,
A Jouralist and the Founder President,
Indian Makkal Mandram,
No.2/3, Suthananda Bharathi Street,
Ganapathy Puram,
Tambaram East,
Chennai-59. ... Petitioner

-vs-

1. The Excellence Chancellor,
   Tamil Nadu Dr. MGR Medical University,
   Raj Bhavan,
   Guindy, Chennai.

2. The Hon'ble Pro-Chancellor,
   Tamil Nadu Dr. MGR Medical University,
   Fort St. George, Chennai-9.

3. The Chief Secretary to the
   Government of Tamil Nadu,
   Fort St. George, Chennai-9.

4. The Special Secretary to the
   Government of Tamil Nadu,
   Health and Family Welfare Department,
   Secretariat, Fort St. George,
   Chennai-9.

5. Dr.Geethalakshmi,
   Vice Chancellor of The Tamil Nadu
   Dr. MGR Medical University,
   Guindy, Chennai-35.

6. Dr.Prof.R.Sugumar,
   Tamil Nadu Dr. MGR Medical University,
   Guindy, Chennai-35.

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7. Dr.Prof.S.Usha,
   Tamil Nadu Dr. MGR Medical University,
   Guindy, Chennai-35. ... Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus (i) to direct the first respondent to take appropriate steps contemplated under Section 8(2) of the Tamil Nadu Dr. MGR Medical University Act, 1998 against the fifth respondent; (ii) to direct the first respondent to de-list the fifth respondent's husband Dr. Prof.R.Sugumar, M.D., Prof of Medicine from the Standing Academic Board and Faculty of UG Medicine and Surgery of Tamil Nadu Dr. MGR Medical University; (iii) to direct the first respondent to de-list the fifth respondent's sister, Dr. Prof. S.Usha, M.D. from the Standing Academic Board and Faculty of Medicine and Medical Specialties.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader
for R3 & R4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner claims to be a journalist, reporter of a Magazine and also the President of Indian Makkal Mandram seeks to file the present petition as public interest litigation for issuance of writ of mandamus for directions to the Chancellor of the Tamil Nadu Dr. M.G.R. Medical University for taking action against the Vice Chancellor of the University/respondent No.5 on account of the alleged irregularities. Two specific directions are also sought for de-listing the husband of respondent No.5, who is a Professor of Medicine, from the Standing Academic Board and Faculty of UG Medicine and Surgery and a similar relief for the sister of respondent No.5, who is also MD from the Standing Academic Board and Faculty of Medicine and Medical Specialties.

2. The learned counsel for the petitioner pleads before us by reference to the typed set of documents that prior to her appointment, there were some allegations against respondent No.5, which were sought to be looked into by the State Government. However, this is the letter of 21.12.2015 and no adverse consequence flowed from it. Be that as it may, the appointment has taken place subsequently.

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3. The substratum of the allegation about the irregularities consist of a model of the car on higher value being provided in the Budget, appointment of husband and sister of respondent No.5 in two academic posts, who possessed the academic qualifications etc. However, no irregularity has been pointed out in the appointment process. The grievance is also made that after obtaining approval to travel for a conference abroad, respondent No.5 left earlier. We also find that the petitioner has been writing letters to respondent No.5, making allegations against her and threatening her not to continue in the post. He has also sent a representation to the Chancellor and thus, the Chancellor would be quite aware of what has been alleged. All these materials are sought to be collected and given the colour of public interest litigation.

4. We are completely dissatisfied with the bonafides of this petition. The power of the Vice Chancellor, in turn, is checked by various bodies, where agendas are placed and approved. Thus, there is a control and check mechanism provided under the provisions of the Tamil Nadu Dr. M.G.R. Medical University Act, 1998 itself. Merely because a person unconnected with the subject matter even wrote letters to the Chancellor would not give him the right to seek a direction from the Court that the Chancellor must act in a particular manner.

5. We are thus not inclined to the entertain this public interest litigation.

6. The writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Excellence Chancellor,
   Tamil Nadu Dr. MGR Medical University,
   Raj Bhavan,
   Guindy, Chennai.

2. The Hon'ble Pro-Chancellor,
   Tamil Nadu Dr. MGR Medical University,
   Fort St. George, Chennai-9.

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3. The Chief Secretary to the
   Government of Tamil Nadu,
   Fort St. George, Chennai-9.

4. The Special Secretary to the
   Government of Tamil Nadu,
   Health and Family Welfare Department,
   Secretariat, Fort St. George,
   Chennai-9.

+1cc to Mr.P.Vijendran, Advocate, S.R.No.482
+1cc to the Government Pleader, S.R.No.130

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