

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 05.12.2017**

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN****W.P (MD) No.7414 of 2014**

K.Muthukrishnan

... Petitioner

vs.

1. The Administrator,  
Annamalai University,  
Annamalainagar - 608 002,  
Chidambaram.

2. R.Selvakumar,  
Special Officer,  
Annamalai University Study Centre,  
Palani, Dindigul District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner, dated 31.10.2013 to take appropriate departmental action upon the second respondent for his gross misconduct as per the Standing Orders of the Annamalai University.

|                |                                                |
|----------------|------------------------------------------------|
| For Petitioner | : Mr.R.Maheswaran                              |
| For R - 1      | : Mr.C.Venkatesh Kumar<br>for Ajmal Associates |
| For R - 2 & 3  | : No appearance                                |

**ORDER**

This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner, dated 31.10.2013 to take appropriate departmental action upon the second respondent for his gross misconduct, as per the Standing Orders of the Annamalai University.

2.The petitioner belongs to K.Rayavaram Village in Pudukottai District and he is an agriculturist by profession. The second respondent is also the resident of the said Village. The second



respondent was earlier working as Learning Officer in the first respondent-University. Though he worked in the University, he would not attend his duties properly in the first respondent-University and was detrimental to the interest of the students studying in the first respondent University. Thereafter, he was posted as Special Officer in the study centre at Aranthangi, Pudukottai District.

3.It is further stated that the second respondent is a notorious person in the locality and has involved in various criminal activities and a case has been registered by K.Pudupatti Police against the second respondent in Crime No.25 of 2012 under Sections 144, 294(b), 323 and 452 I.P.C, which are non-bailable and that the second respondent had absconded to avoid from the arrest and he has not attended his work in the first respondent-University, instead he has manipulated the records to show that he was working on the said dates. The police officials have filed an absconding charge-sheet against him in the said case.

4.It is further contended that the second respondent headed the group of 28 persons in committing theft of the Hundial kept in the Temple and for the said offence, K.Pudupatti Police have registered a case in Crime No.73 of 2013 against the second respondent for the offence under Section 379 I.P.C and that the said case is still pending and the second respondent has not surrendered before the Judicial Magistrate as directed by the Court.

5.It is further submitted that on the apprehension of disturbance to public peace and tranquility, proceedings under Section 107 Cr.P.C have been initiated against the second respondent and the same is also pending. Therefore, it is submitted that the second respondent has violated the code of conduct of the first respondent-University and since the first respondent is a Governmental agency and the second respondent has committed misconduct, he ought to have been charged as per the Standings Orders of the first respondent University. The petitioner along with the other villagers have made a representation on 31.10.2013, to the first respondent to take appropriate action against the second respondent as per the Standing Orders of the first respondent-University. The second respondent is now working in Palani study centre. Though the first respondent-University has received the said representation, so far no action has been taken. Hence, the petitioner has filed the present Writ Petition.

6.Heard the learned counsel for the petitioner and the learned counsel for the first respondent-University.

<https://hcservices.ecourts.gov.in/hcservices/>

7.The learned counsel for the first respondent-University would submit that necessary order can be issued on the

representation.

8.It is seen from the typeset of papers, a charge-sheet has been filed on 04.06.2012 against the second respondent for the offences under Sections 147, 452, 294(b) and 323 I.P.C in C.C.No.27 of 2012, wherein, the second respondent has been shown as second accused, who has been absconding. The representation sent by the petitioner, acknowledgment thereof and the Standing Orders of the first respondent-University are enclosed in the typeset of papers.

9.On perusal of the same and after hearing the submissions of the learned counsel appearing on either side, this Court finds that no action has been taken on the representation of the petitioner, wherein, serious allegations have been made against the second respondent regarding the pendency of criminal cases initiated against him and in which he has been arrayed as absconding accused and in the interest of students of the said study centre, this Court directs the first respondent to consider the representation of the petitioner, dated 31.10.2013 and initiate departmental action upon the second respondent for his gross misconduct as per the Standing Orders of the Annamalai University on merits and in accordance with law, after giving an opportunity to the second respondent to putforth his defence, if any, as expeditiously as possible.

10.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The Administrator,  
Annamalai University,  
Annamalainagar - 608 002,  
Chidambaram.

+ 1 cc TO Mr.Ajmal Associates , Advocate in SR No. 91179

Ps  
AE/SKN RSK/SAR4/22.12.2017/3P/3C

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**05.12.2017**