

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.05.2018
CORAM

THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN

W.P.No.11696 of 2018
and
W.M.P.Nos.13667 and 13668 of 2018

Dr.K.Palanisamy

... Petitioner

Vs

1.The Vice Chancellor,
In the Chair of Syndicate Committee,
University of Madras,
Chepauk, Chennai-600 005.

2.The Registrar,
University of Madras,
Chepauk, Chennai-600 005.

3.University of Madras Arts and Science
(University Constituent College),
Thiruvottriyur,
Chennai-600 019.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records pertaining to the impugned order of the second respondent vide its order dated 19.04.2018 and quash the same.

For Petitioner : Mr.N.R.Chandran, Sr.Counsel for
Mr.B.Neduchezhiyan

For Respondents : Mr.L.P.Shanmugasundaram,
Standing Counsel for Madras University

ORDER

The petitioner herein was appointed for the post of Principal in the Constituent College under the University of Madras by order dated 30.06.2014. Later it appears that some objection has been raised by the Audit Department that the petitioner does not possess the requisite qualification as prescribed by the University Grants Commission. Pursuant to that, the Syndicate of the Madras University has decided to revert him back as Assistant Professor. A Resolution to that

effect had also been passed by the Syndicate on 19.04.2018.

2.From the affidavit, this Court finds that the Registrar of the University has communicated the Resolution of the Syndicate along with a show-cause notice to the petitioner herein on 30.04.2018, seeking explanation from the petitioner herein, within a period of one week from the date of receipt of the notice.

3.It is contended by the learned senior counsel for the petitioner that the said notice was not served on the petitioner and without affording an opportunity to explain as to why he is competent to hold the post of Principal, no adverse order can be passed behind his back. Further, it is also contended that the appointment is based on the Notification issued by the University and the petitioner has disclosed all his qualifications to the authorities and having fully satisfied on his qualifications, which is in consonance with the terms found in the Notification for appointment issued by the Madras University in the Newspaper on 27.02.2014, he had been appointed as Principal. Therefore, the petitioner cannot be reverted from the post of Principal to the post of Assistant Professor, on the basis of some audit objection, that too without affording an opportunity, for no fault of him.

4.To ascertain the above submission, this Court directed the counsel representing the respondents to produce the files relating to the impugned Resolution and the show-cause notice. On a perusal of the records, this Court finds that the petitioner had been appointed as Principal pursuant to the paper publication inviting applications from the prospective candidates having the qualifications prescribed in the Notification. The authorities have found the writ petitioner fit to hold the post of Principal and accordingly appointed him as Principal of the Constituent College, Thiruvottriyur. Now, pursuant to the guidelines of the University Grants Commission, there is some audit objection which has led to passing of Resolution by the Syndicate and the consequential show-cause notice. Since the petitioner had not been given the opportunity to explain his stand, a proper direction is required to the authorities to consider his explanation in the Syndicate meeting and after due consideration of the explanation, the Syndicate shall take a decision and till then, the Resolution of the Syndicate dated 19.04.2018 shall not be given effect to.

5.The petitioner is hereby directed to submit his explanation within fifteen days from the date of receipt of a copy of this order to the Registrar, University of Madras who is the second respondent herein. On receipt of explanation, the same may be placed before the ensuing Syndicate meeting for

discussion and the Hon'ble Syndicate Members shall consider the objection raised by the Audit Department as well as the explanation given by the petitioner herein, and take a suitable decision.

6.The writ petition is disposed of accordingly. No costs. Consequently the connected miscellaneous petitions are closed.

Sd/-
Vacation Officer /Assistant Registrar

//True copy//

Sub Assistant Registrar

KM

To

- 1.The Vice Chancellor,
In the Chair of Syndicate Committee,
University of Madras,
Chepauk, Chennai-600 005.
- 2.The Registrar,
University of Madras,
Chepauk, Chennai-600 005.
- 3.University of Madras Arts and Science
(University Constituent College),
Thiruvottriyur,
Chennai-600 019.

+1cc to Mr.B.Nedunchezhiyan, Advocate SR.No.33116

W.P.Nos.11696 of 2018
and

W.M.P.Nos.13667 and
13668 of 2018

GMR (CO)
GN(10/05/2018)

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