



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.10.2018

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No.27591 of 2018

and

W.M.P.No.32126 of 2018

C.Bhaskaran

... 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, for issuance of Writ of Certiorarified Mandamus to call for records of the second respondent made in proceedings in Office Memorandum No.ESTT-C-C7/115508/2016 dated 08.02.2016 and quash the same and consequently, direct the first respondent to reinstate the petitioner in service as Assistant Professor in History Department or in any other appropriate Department.

For Petitioners : Mr.N.Umapathi

For Respondents : Mr.V.R.Kamalanathan, SC

ORDER

Heard Mr.N.Umapathi, the learned counsel appearing for the petitioner and Mr.V.R.Kamalanathan, learned Standing Counsel, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.



2. The case of the petitioner is that though he was put under suspension for his alleged involvement in a criminal case, neither a charge memo having been issued for such indictment in a criminal case nor a charge sheet having been filed against him, his continuation in suspension is contrary to law laid down in the case of Ajay Kumar Choudhary versus Union of India and Another reported in (2015) 7 SCC 291. The petitioner though made a representation in this regard to revoke his order of suspension but no decision on the same having been taken, hence, he came to this Court with a prayer seeking a direction to the second respondent to quash such order of suspension and direct the second respondent to reinstate the petitioner into service.

3. However, during the course of hearing, it is submitted by the counsel for the petitioner that though the petitioner has sought for the aforesaid larger relief but he now seeks for disposal of his representation which is pending, keeping in mind the law laid down in the case of Ajay Kumar Choudhary supra by the Apex Court within the stipulated period.

4. The learned Standing counsel appearing for the second respondent/University, however, submits that such prayer of the petitioner is devoid of merit since he has been indicted in a criminal case on a serious charge of allowing the examinee to secure more marks by manipulating the process of examination. So, it is submitted that the writ petition deserves to be dismissed more particularly, when the law laid down in the case of Ajay Kumar Choudhary supra has no application to the case of the petitioner. However, it is further submitted that if this Hon'ble Court so desire, may direct the respondents to dispose of the representation of the petitioner but without putting any fetter to dispose of the same in any particular manner.

5. Considering the aforesaid facts and submissions made by the counsel for the petitioner as well as the contesting respondents, this Court disposes of this writ petition at the stage of admission itself without seeking reply affidavit, with a direction to the respondents to take an informed and considered decision on the representation of the petitioner in the light of the law laid down in the case of Ajay Kumar Choudhary supra, as it is stated that neither a charge memo was issued nor a charge sheet has been filed against the petitioner in the criminal case, within six weeks of receipt of a copy of this order and intimate the decision taken thereon, to the petitioner, if there is no legal impediment for disposal of such representation. It is made clear that this Court has expressed no opinion on the merit of such representation as it has not examining the contention of the petitioner on merit and as such, there is no fetter on the part of the second respondent in



taking the decision in the manner as it deems fit and proper but addressing the law in this regard within the aforesaid period.

6. With the aforesaid order, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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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 M/s.N.Umapathi, Advocate Sr.No.72468

+1 cc to M/s.R.Kamalanathan, Advocate Sr.No.72250

Writ Petition No.27591 of 2018

RR(CO)

CSL/26.11.2018