



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 1438 of 2018

and

W.M.P. (MD). Nos. 1498 & 1499 of 2018

Dr.A.Pasupathy

.. Petitioner

Vs.

1. Urumu Dhanalakshmi College
Represented by its Secretary
Kalki Ramakrishnan,
having office at
Urumu Dhanalakshmi College,
Tiruchirapalli.
2. The Secretary,
College Committee,
Urumu Dhanalakshmi College,
Tiruchirapalli.
3. The Principal,
Urumu Dhannalakshmi College,
having office at
Urumu Dhanalakshmi College,
Tiruchirapalli.
4. The Regional Joint Director of Collegiate Education,
Tiruchirapalli Region,
Kajamalai, Tiruchirapalli.
- 5.S.Arunadevi
- 6.S.Ananthalakshmi
- 7.D.Stanislaus

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the first respondent in UDC/Sec/A/01 dated 10.11.2017 appointing the seventh respondent as the Enquiry Officer, quashing the same and consequently directing the fourth respondent to cancel the enquiry conducted by seventh respondent as against petitioner.



WEB COPY

For Petitioner
For Respondent No.1

: Mr. S.K.Mani
: Mr. Issac Mohanlal
Senior Counsel
for M/s.Prabhu
: Mr. J.Gunaseelan Muthiah
Additional Government Pleader

For Respondent No.4

For Respondent
Nos.2,3,5 to 7

: No appearance

O R D E R

Heard the learned counsel on either side.

2. The petitioner herein is working as an Associate Professor in the Department of Chemistry in the fourth respondent College. The petitioner challenges the order dated 10.11.2017, appointing the seventh respondent herein as the Enquiry Officer to conduct the enquiry into the charges framed against him.

3. The learned Counsel appearing for the petitioner raises two fold contentions. Firstly , the charges have been issued by the Principal of College alone and not by the College Committee which alone is competent to issue the charge memo. Secondly, the Enquiry Officer as opposing counsel cross-examined the petitioner in a litigation conducted some years ago. He therefore, apprehends likelihood of bias against him on the part of the enquiry officer.

4. When the matter was taken up for disposal, the learned Senior Counsel appearing for the respondents 1 to 3 fairly submitted that there is some force in the contention raised by the petitioner and that therefore he advised the College Management to withdraw the charge memo framed against the petitioner.

5. Since the charge memo itself is to be withdrawn, the challenge in respect of the the appointment of the enquiry officer does not survive. The writ petition has become virtually infructuous.

6. This Writ Petition is closed. However, liberty is given to the College Management to issue a fresh charge memo if so advised. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/



To:

The Regional Joint Director of Collegiate Education,
Tiruchirapalli Region,
Kajamalai, Tiruchirapalli.

+1cc to The Spl. Government Pleader SR.No.51959
+1cc to Mr. S.K.Mani, Advocate SR.No.51726
+1cc to M/s. Isaac Chambers, SR.No.51750

KMI

VB/CVC/SAR1/04.04.2018/3P/5C

ORDER MADE IN
W.P. (MD) .No.1438 of 2018
27.02.2018