



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.(MD)No.1869 of 2016

WEB COPY

M.Ananthakrishnan

: Petitioner

-Vs-

1.The Director,
The Directorate of
Vigilance and Anti-Corruption,
NCB 21, P.S.Kumarasamy Raja Salai,
Raja Annamalaipuram,
Chennai-600 028.

2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Tirunelveli.

3.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli.
[R-3 impleaded as per the order of this
Court dated 04.01.2018 in
Crl.M.P.(MD)No.11181 of 2016
in Crl.OP(MD)no.1869/16 dated 4.1.18]

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to pass an order of direction, directing the second respondent police to register a criminal case, based on the complaint submitted by the petitioner on 16.09.2015 and investigate the same in accordance with law.

For Petitioner : Mr.M.Saravanan
For Respondents 1&2 : Mr.C.Mayil Vahana Rajendran,
Additional Public Prosecutor
For Respondent No.3 : Mr.M.Mahaboob Athiff,
For M/s.Ajmal Associates

ORDER

It is the case of the petitioner that he was a Syndicate Member of Manonmaniam Sundaranar University and he has given a complaint dated 16.09.2015 to the Deputy Superintendent of Police, Vigilance and Anti-Corruption, seeking investigation into the appointment of one Ramesh as Reader in the said University.

2. On a reading of the complaint, it does not disclose the commission of a cognizable offence.



3. The learned counsel for the petitioner submitted that there are irregularities galore in the appointment of Ramesh as Reader.

4. Admittedly, the petitioner has also filed a Writ Petition, namely W.P.(MD)No.2035 of 2016 for the issuance of a Writ of Quo Warranto challenging the appointment of Ramesh as Reader and the said Writ Petition is pending. While so, the petitioner has given a complaint dated 16.09.2015 to the Deputy Superintendent of Police, Vigilance and Anti-Corruption alleging irregularity and illegality in the appointment of Ramesh as Reader in the said University.

5. During the course of hearing, it came to the notice of this Court that the Law Secretary to the Government had sent a communication dated 30.01.2012 to the Registrar, Manonmaniam Sundaranar University, wherein, it is stated as follows:

"It is brought to the notice that one Mr.R.Ramesh who is currently the Director (In-charge) Department of Distance and continuing Education of M.S.University has secured appointment as Reader in our University by furnishing forged teaching experience certificate.

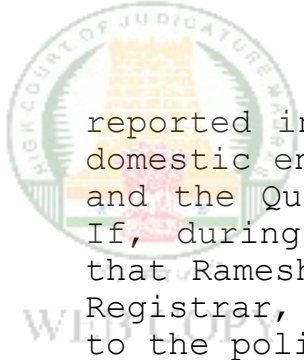
In this regard, you are hereby directed to furnish a detailed report along with the explanation, if any, of the officer concern within 15 days from today for further course of action."

Therefore, this Court impleaded the Registrar, Manonmaniam Sundaranar University, calling upon the Registrar to file a status report as to the action that was taken on the communication dated 30.01.2012 issued by the Law Secretary.

6. In response to the notice issued by this Court, M/s.Ajmal Associates have entered appearance for the Registrar, Manonmaniam Sundaranar University and they have filed a status report, wherein it is stated that on the letter dated 30.01.2012 issued by the Law Secretary, the University issued a charge memo dated 09.04.2012 and appointed an Enquiry Officer to enquire into the charges. However, the said Ramesh has filed W.P.(MD)No.8429 of 2012 in the Madurai Bench of the Madras High Court and has obtained stay of the enquiry proceedings, on account of which, the authorities are not able to proceed further.

7. The learned counsel for the petitioner submitted that the appointment of Ramesh is irregular and illegal, inasmuch as his appointment is based on forged documents and his drawal of salary would amount to pecuniary loss to the Government.

8. Be that as it may, the complaint given by the petitioner does not disclose the commission of a cognizable offence for registration of an FIR, especially, in the light of the law laid down by this Court in *Sugesan Transport Pvt. Ltd., v. the Assistant Commissioner of Police, J2 Adyar Police Station, Chennai* and another



reported in 2016(5) CTC 577. That apart, this Court has stayed the domestic enquiry initiated against Ramesh in W.P.(MD)No.8429 of 2012 and the Quo Warranto Writ Petition against Ramesh is also pending. If, during the course of the domestic enquiry, it comes to light that Ramesh had produced forged certificates, it is the duty of the Registrar, Manonmaniam Sundaranar University, to lodge a complaint to the police for criminal action against the said Ramesh.

9. With the above observation, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar(ADI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Director,
The Directorate of
Vigilance and Anti-Corruption,
NCB 21, P.S.Kumarasamy Raja Salai,
Raja Annamalaipuram,
Chennai-600 028.
- 2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.Isaac Chambers, Advocate, SR.No.45112

+One cc to M/s.Ajmal Associates , Advocate, SR.No.44891

+One cc to mr.M.Saravanan, Advocate, SR.No.44978

SML

RL/7C/3P/JC/SAR4/13/2/2018

Order made in

CRL.O.P.(MD)No.1869 of 2016