

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.A. No. 723 of 2019
&
C.M.P. No. 5886 of 2019

K. Kumar

..Appellant

Vs.

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

...Respondent

Prayer: Writ Appeal as against the order dated 25.10.2018
passed in W.P. No. 27977 of 2018.

W.P.27977/2018:

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus Directing the respondent to consider the Revision Petition submitted by the Petitioner dated 18.04.2018 as under Rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules 1955 in the light of the orders already passed by the Respondent in the case of one Thiru M.Natarajan Assistant Section Officer and Dr. Maa.Selvaraasan Professor of Department of Tamil Language within a reasonable period.

For Appellant :: Mr.T. Ranganathan
For Respondent :: Mr.Stalin Abhimanyu

J U D G M E N T

(Judgment of the Court was delivered by K.K. SASIDHARAN,J.)

The appellant unsuccessfully challenged the disciplinary proceedings initiated against him before the Writ Court in W.P. No. 9403 of 2014. The order was affirmed by the Division Bench in W.A. No. 690 of 2016 and thereafter, it was confirmed by the Honourable Supreme Court in SLP(C) No. 31978 of 2016. The appellant, notwithstanding the finality touching the issue, once again submitted a revision petition before the Registrar,

University of Madras. Then he filed a writ petition in W.P. No. 27977 of 2018 before this Court to direct the Madras University to consider the revision petition. The learned Single Judge, taking into account the earlier proceedings, dismissed the writ petition. Feeling aggrieved, the appellant has come up with this intra-court appeal.

2. The learned counsel for the appellant contended that after the disposal of the earlier proceedings only, the appellant came to know that in respect of two other persons, the Revisional Authority had entertained revision petitions. According to the learned counsel, the appellant is similarly placed and as such, he is right in submitting the revision petition before the Registrar, University of Madras.

3. We have also heard the learned Standing Counsel for the respondent University.

4. There is no dispute that after conducting an enquiry, the University imposed the punishment of compulsory retirement. The said order was challenged before the Writ Court. The learned Single Judge dismissed the writ petition. The Division Bench also confirmed the order passed by the learned Single Judge. The matter was taken to the Honourable Supreme Court and the appeal was dismissed. The appellant failed in his attempt to set aside the order passed by the University of Madras before the Courts.

5. There is no question of filing a revision petition after the dismissal of the writ petition by the High Court. It is not possible for the Revisional Authority to entertain a revision petition after the order has been confirmed by the Courts. The Registrar, University of Madras, cannot sit in appeal over the decision taken by the High Court. The learned Single Judge was right in dismissing the writ petition filed for issuance of a direction to the Registrar of Madras University to consider his revision petition. We do not find any error or illegality in the impugned order warranting interference.

6. In the upshot, we dismiss the intra-court appeal. No costs. Connected C.M.P. is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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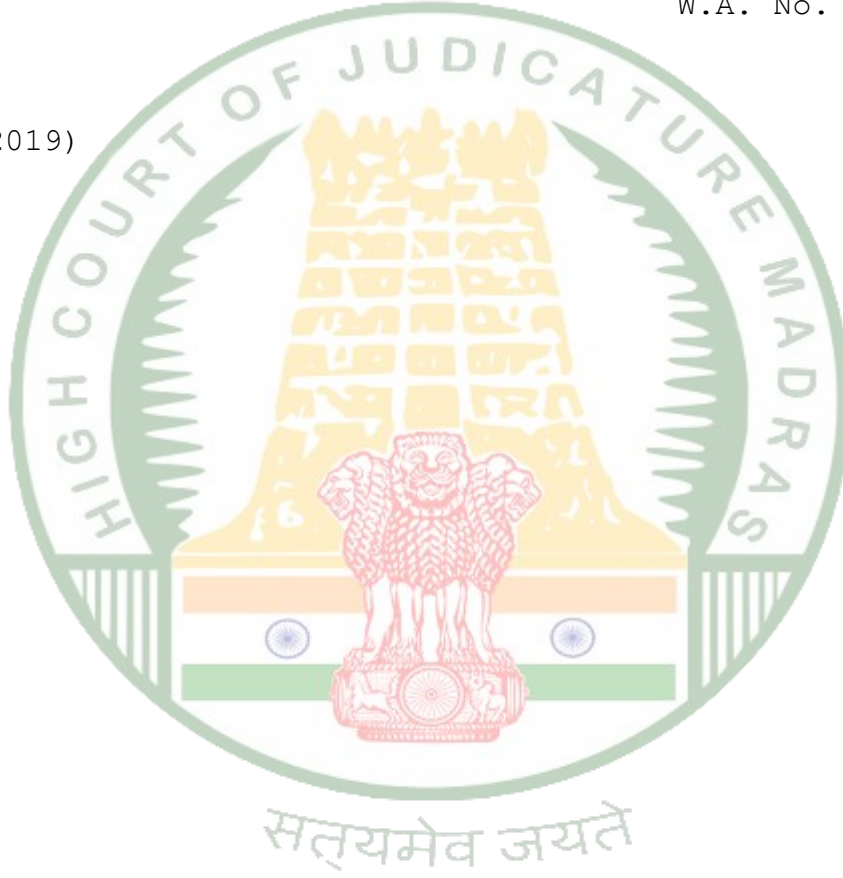
To

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

+1 CC to Mr.T.Ranganathan, Advocate sr 22530.

W.A. No. 723 of 2019

PPA (CO)
SP (23/04/2019)



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