



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.06.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.15729 of 2019

and

W.M.P.Nos.15578 & 15579 of 2019

Dr.C.Kumar Charlie Paul

... Petitioner

Vs.

1. Anna University,
Rep. By its Registrar,
Chennai - 600 025.

2. The Controller of Examinations,
Anna University, Chennai - 600 025.

3. Dr. Muthan
H.O.D. - Electronics & Communication Dept.,
Anna University & Chairman of Enquiry Committee
Chennai - 600 025.

... Respondents

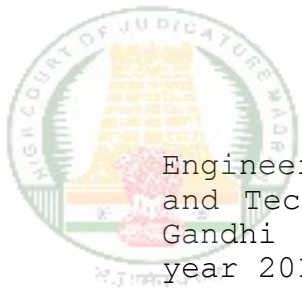
Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the 1st respondent pertaining to letter No.4111/COE/MP/2019 dated 30.03.2019 and letter No.247/CAI/AU/2019 dated 03.04.2019, and quash the same.

For Petitioner: M/s.P.Wilson Associates

For Respondents : Mr.M.Vijayakumar

ORDER

The case of the petitioner is that he has completed B.E. Electronics and Communication Engineering from Karunya Institute of Technology, Bharathiyar University and subsequently, has completed M.E. Electronics and Communication Engineering from Government College of Technology, Coimbatore and thereafter obtained a Ph.D. in Magath University, Patna, Bihar. He was appointed as Lecturer of Karunya Institute of Technology on 26.06.1991 and after due promotion to the higher post, he was eventually appointed as Professor in the year 2004. The petitioner was appointed as Principal of Francis Xavier Engineering College and also Principal of PSN College of



Engineering and Technology, A S L Pauls College of Engineering and Technology, Indus College of Engineering and finally Indira Gandhi College of Engineering and Technology for Women in the year 2017.

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2. According to the petitioner, his past record from 1991 and till date has been without any blemish and no disciplinary proceeding has been initiated against him for all these years. The petitioner, who enjoyed clean record of service, was appointed as a Chief Superintendent for the University examinations conducted in 2018 at Indira Gandhi College of Engineering and Technology for Women in which the petitioner was working as Principal. The University examinations were held over for a period of 40 days and about 100 Assistant Professors were appointed as Supervisors. Some of them were working in Indira Gandhi College of Engineering and Technology and many of them were external Supervisors. According to the petitioner, the examinations were conducted peacefully without any complaints.

3. While so, on 05.02.2019 the petitioner received a communication from the Controller of Examinations, Anna University requesting him to attend an enquiry on 09.02.2019. In the letter asking him to attend an enquiry, no reasons were stated explaining the purpose of the enquiry except stating that there were some lapses and irregularities in the conduct of the University Examinations held during November - December, 2018. The petitioner in response to the direction attended the enquiry and the Committee comprising of three members informed the petitioner that some students were caught copying in the examinations. The petitioner enquired as to the basis of the irregularities pointed out by the Committee and sought some time to submit his written explanation in order to explain his position as Superintendent vis-a-vis, the conduct of the examination during November-December, 2018. Thereafter, he submitted his explanation on 13.02.2019.

4. The petitioner, after this, was once again summoned for enquiry on 15.03.2019 before the second respondent/Controller of Examinations. On 15.03.2019 when the petitioner attended the enquiry, he requested to furnish any statement of charges against him, so that he could file a detailed reply. Unfortunately, no such statement has been given to the petitioner nor any written charges were framed against him.

5. According to the petitioner, the third respondent who has been inimical towards the petitioner during their professional relationship was using the opportunity to victimise the petitioner and hence, the Committee had conducted the enquiry in a partisan manner without following the principles of natural justice. According to the petitioner, no proper opportunity was



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10. This Court, after consideration of the pleadings and the materials placed on record, is of the view that the University represented by Vice Chancellor is in a better position to



appreciate the grievance of the petitioner and also the irregularities that prompted the University to initiate action against the petitioner and others. After all, the University which deals with their staff and monitors their activities on a day to day basis can have better appreciation of the grievances of its staff vis-a-vis the action taken against them.

11. In the above circumstances, without expressing any opinion on the grounds and the issues raised in the writ petition, the Writ Petition is disposed of, at the admission stage itself, with the following direction:

(i) The first respondent University represented by the learned Vice Chancellor is directed to dispose of the representation of the petitioner dated 11.05.2019 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

(ii) The first respondent is also directed to provide an opportunity of personal hearing to the petitioner before passing any final orders as indicated above.

No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Registrar,
Anna University,
Chennai - 600 025.

2. The Controller of Examinations,
Anna University,
Chennai - 600 025.

+1cc to Mr.M.Vijayakumar, Advocate sr.48155

+1cc to M/s.P.Wilson Associates, Advocate sr.47936

W.P.No.15729 of 2019

rv(co)
nr 13/08/2019