

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28782 of 2019
and
W.M.P.No.28530 of 2019

Dr.R.Sivakumar

.. Petitioner

Vs.

1.The Registrar (I/c)
Anna University
Sardar patel road
Chennai-25.

2.The Dean (I/c)
University College of Engineering Tindivanam
Melpakkam, Tindivanam
Villupuram District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order of suspension passed by the 1st respondent in his proceedings in Memo.No.TVM/PR26/2018 dated 03.08.2018, quash the same as illegal in the light of order made in Ajay Kumar Choudhary vs. Union of India case reported in 2015(7) SCC 291 within the period that may be stipulated by this Court.

For Petitioner : Mr.Ajmal Khan Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.L.P.Shanmuga Sundaram
Additional Government Pleader

O R D E R

Writ Petition is filed for issuance of a Writ of Certiorari calling for the records relating to the impugned order of suspension passed by the 1st respondent in his proceedings in Memo.No.TVM/PR26/2018 dated 03.08.2018, quash the same as illegal in the light of order made in Ajay Kumar Choudhary vs. Union of India case reported in 2015(7) SCC 291 within the period that may be stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. By consent, the writ petition is taken up for final disposal.

3.The case of the petitioner is that the petitioner was appointed as Assistant Professor in the year 2009 in the Department of Mathematics at University College of Engineering, Tindivanam, Villupuram District. While he was in service, a case in Crime No.9/AC/2018/CC-I has been registered for the offences under Sections 120(B), 167, 201, 420, 468 and 471 IPC and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 against the petitioner and 9 others and the petitioner cited as Accused No.3 alleging that Accused Nos. 1 to 3 conspired together and colluded with other accused in the revaluation process during the year 2017 and instigated Accused No.4 to Accused No.10 to award enhanced marks to certain answer scripts of students for pecuniary advantage. Immediately thereafter, the petitioner was placed under suspension on 03.08.2018. Thereafter, the petitioner has made representations dated 11.02.2019, 20.05.2019 and 30.08.2019 to the 1st respondent to revoke the order of suspension. However, till date, the 1st respondent has not considered the same. Hence, the present writ petition.

4.The learned Senior Counsel appearing for the petitioner submitted that though the order of suspension has been passed on 03.08.2018, there has been no review. The prolonged suspension cannot be allowed to continue for a long time. He has drawn attention of this Court to the judgment of the Hon'ble Apex Court reported in (2015) 7 SCC 291 (Ajay Kumar Choudhary v. Union of India), in which, it is held that suspension must necessarily be for a short duration. He further submitted that though the suspension order was issued in the year 2018, till date charge memo was not issued and enquiry was not conducted. However, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 30.08.2019 within reasonable time.

5.Considering the limited request made by the petitioner, this Court hereby directs the 1st respondent to consider the petitioner's representation dated 30.08.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1.The Registrar (I/c)
Anna University
Sardar patel road
Chennai-25.

2.The Dean (I/c)
University College of Engineering Tindivanam
Melpakkam, Tindivanam
Villupuram District.

+1 CC to M/s. Ajmal Associates sr 83912.

+1 CC to Mr.L.P.Shanmuga Sundaram, Advocate sr 84605.

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and

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CP(CO)
SP(17/10/2019)

सत्यमेव जयते

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