

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32160 of 2019
and
W.MP.No.32450 of 2019

K.Ilanchezhian, (E.No.12199) ... Petitioner

Vs

1 The Vice Chancellor,
University of Madras,
Chepauk,
Chennai- 600 005.

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

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari or any other Writ in the nature of Writ calling for the records relating to the order dated 24.9.19 made in Proceedings of the 2nd Respondent vide official Communication dated 24.9.2019 in No. F.1(B)/ESTT/2019/597 on the file of the Registrar University of Madras Chennai and quash the same and pass appropriate orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.Stalin Abimanyu

ORDER

1.The petitioner has filed this writ petition seeking issuance of a Writ of Certiorari or any other Writ in the nature of Writ calling for the records relating to the order dated 24.09.19 made in Proceedings of the 2nd Respondent vide official Communication dated 24.9.2019 in No. F.1(B)/ESTT/2019/597 on

the file of the Registrar University of Madras Chennai and quash the same and pass appropriate orders as this Court may deem fit and proper in the circumstances of the case.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.
3. According to the petitioner, the petitioner was appointed as Attender in the University of Madras and he was issued with disciplinary proceedings based on certain lapses said to have been committed by him in the matter of misusing tuition fee collected from the students, which ended in imposing punishment of compulsory retirement as resolved in the Syndicate meeting of Madras University held on 17.09.2019. Hence the writ petition.
4. The learned counsel would reiterating the averments mentioned in the writ petition would contend that the punishment of compulsory retirement imposed on the petitioner cannot be sustained, since there was no proper enquiry conducted for the charges framed under Rule 17(b) and there was no opportunity afforded to the petitioner to prove his innocence. He would point out that as regard as charges already framed under Rule 17(b) on 02.07.2019, there was no enquiry and no committee was constituted to go into the veracity of the allegations found in the charge memo, however relying an earlier report, the Syndicate has resolved to impose major penalty of compulsory retirement without following the procedure contemplated under the rules, and hence the same cannot be sustained.
5. The learned counsel appearing for the respondent would submit that as regards as the proceedings of the punishment imposed on the petitioner, there is an appeal remedy available to him and in fact, he also filed an appeal on 11.10.2019 and even before deciding the same, he rushed to this Court.
6. Considering the facts and circumstance of the case and also the submissions made by both sides and in view of the fact that as against the impugned proceedings, the petitioner is having efficacious remedy of appeal before the respondents, and in fact he has also availed the same by filing an appeal on 11.10.2019. Thereafter it is further the petitioner is workout his remedy before the Appellate Authority and in such view of the matter, this Court is not inclined to embark upon the issue involved in the writ petition.

7. Accordingly, while giving opportunity to the petitioner to work out his remedy in the appeal before the respondents, the present Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jrs

To

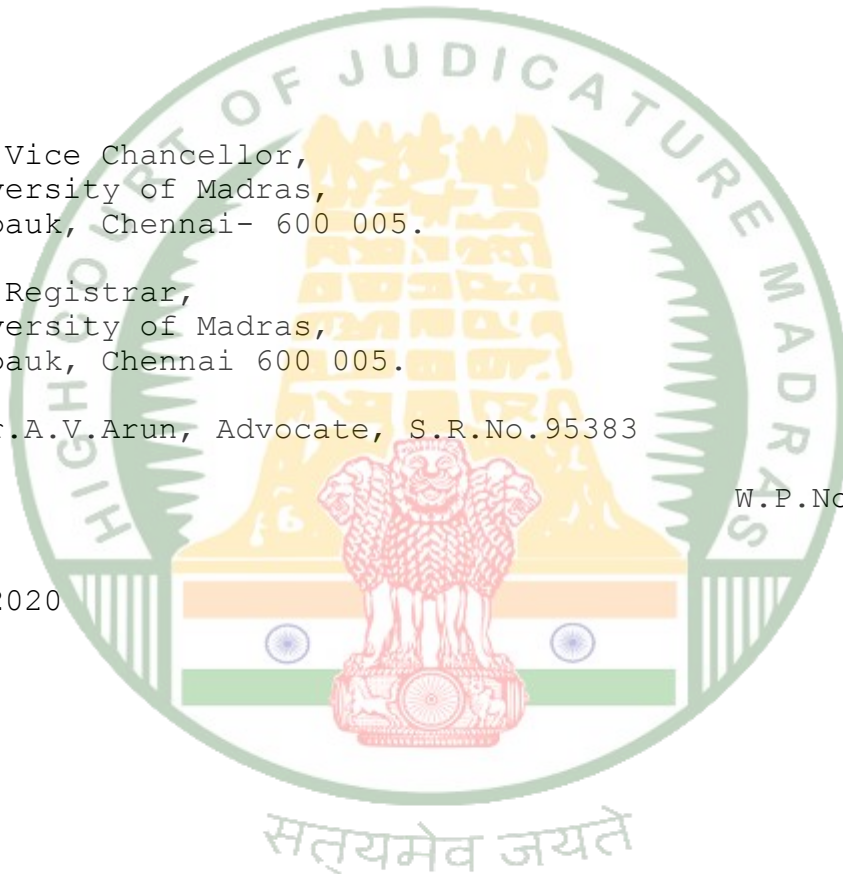
1 The Vice Chancellor,
University of Madras,
Chepauk, Chennai- 600 005.

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

+1cc to Mr.A.V.Arun, Advocate, S.R.No.95383

W.P.No.32160/2019

SR(CO)
CS/08/01/2020



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