

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.33046 of 2018

K.M.Karthick
Founder of All Private College
Employees Union (AIPCEU) ... Petitioner

vs.

1. The Government of Tamil Nadu,
Department of Higher Education,
Rep. by its Secretary,
Secretariate, Fort St. George,
Chennai - 9.

2. AICTE, All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi - 110 070.

3. The Vice-Chancellor,
Anna University,
Guindy, Chennai.

4. The Principal
Sree Sastha Institute of Engineering & Technology,
Sree Sastha Nagar,
Bangalore High Way,
Poonamallee, Chambarambakkam,
Chennai - 600 123 ... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the 2nd and 3rd respondents while making appointments of teaching faculty either to receive the relevant documents / qualification certificates through the medium of soft copies or after verification of originals to return the aspirants concern and keep the documents through electronic medium within their jurisdiction, direct 3rd respondent to conduct proper investigation on the death of Mr.Vasanthavanan and consequently to take suitable action against the 4th respondent.

For Petitioner : Mr.S.Ravichandran

For Respondents : Mr.Akhil Akbarali (for R1)
Government Advocate.
Mr.B.Rabu Manohar (for R2)
No appearance (for R3)
Mr.K.M.D.Muhilan (for R4)
for Mr.R.Parthasarathy

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Claiming to be the President of All Private College Employees Union (AIPCE), and a public interest litigant, petitioner has filed the instant writ petition.

2. Grievance of the petitioner is that one Mr.Vasanthavanan (since deceased), was working as an Assistant Professor in Sree Sastha Institute of Engineering & Technology, Chennai, 4th respondent herein, since 09.08.2010. Subsequently, he was appointed as a Teaching Fellowship of Madras Institute of Technology (MIT) and was called for to join immediately. Hence, Mr.Vasanthavanan (since deceased), had requested the 4th respondent-College to return his original certificates of 10th, 12th, B.E., and M.Tech, so as to enable him to join Madras Institute of Technology.

3. According to the petitioner, the 4th respondent-college demanded Rs.3 Lakhs for returning the certificates and further harassed Mr.Vasanthavanan (since deceased). In this regard, a criminal case has been lodged with the Inspector of Police, Nazrathpet, Chennai, which resulted in manhandling, by the 4th respondent-College. Thereafter, Mr.Vasanthavanan (since deceased) committed suicide on 12.11.2018.

4. Seeking for a direction to All India Council for Technical Education, New Delhi and the Vice Chancellor, Anna University, Chennai, the 2nd and 3rd respondents respectively, to obtain soft copies of the certificates instead of originals, while making appointments, to conduct a proper investigation on the death of Mr.Vasanthavanan and also to take suitable action against the 4th respondent, instant writ petition has been filed.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. On this day, when the matter came up for hearing, Mr.S.Ravichandran, learned counsel on record submitted that certificates of Mr.Vasanthavanan, Assistant Professor (since

died) have been returned after death. Submission is placed on record.

7. Procedure as to how certificates to be produced to the appointing authorities, whether by production of soft copies of certificates or originals, is a matter left to the appointing authorities. In this regard, Court cannot issue any directions.

8. Investigation into the alleged cause of death can be done only by the police, with whom FIR has already been lodged. University cannot be directed to conduct an investigation of alleged crime, much less a parallel investigation. Thus placing on record the submission of the learned counsel that certificates have been returned, both the prayers sought for cannot be granted. Hence, instant writ petition is dismissed. No Costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

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To

Sub Assistant Registrar

1. The Secretary,
Government of Tamil Nadu,
Department of Higher Education,
Secretariat, Fort St. George,
Chennai - 9.

2. AICTE, All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi - 110 070.

3. The Vice-Chancellor,
Anna University,
Guindy, Chennai.

+1 cc to Mr.B.Rabu Manohar, Advocate, S.R.No.21310

+1 cc to Mr.P.Vijendran, Advocate, S.R.No.21577

+1 cc to Mr.R.Parthasarathy, Advocate, S.R.No.21577

+1 cc to the Government Pleader, S.R.No.21791

WP.No.33046 of 2018

LN(CO)
SSM(05/04/2019).