

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos. 33270 & 33281 of 2018

and

W.M.P.Nos.38603 & 38611 & 38626 & 38628 of 2018

Dr.V.K.Saravanan

Assistant Professor

Department of English

Annamalai University

Annamalainagar

Chidambaram - 608 002.

... Petitioner in W.P.No.33270 of 2018

Dr.G.Arunadevi

Assistant Professor

Department of English

Annamalai University

Annamalainagar

Chidambaram - 608 002.

... Petitioner in W.P.No.33281 of 2018

Vs.

1. The State of Tamil Nadu

Represented by its Principal Secretary to Government

Principal Secretary to Government

Higher Education Department

Fort ST George, Chennai

2. The Annamalai University

Represented by its Registrar

Annamalaipuram

Chidambaram - 608 002.

..Respondents in both writ petitions

COMMON PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records relating to the impugned show cause notice in University Orders No.202/2017 & No.201/2017 (C), dated 13.03.2017 issued by the 2nd respondent and quash the same.

For Petitioners: M/s.R.S.Yaswanth

(in both Writ petitions)

For Respondent No.1 : Mr.V.Kathirvelu
Special Government Pleader
(in both Writ petitions)

Mr.K.Sathish Kumar
Senior Counsel for R2.

C O M M O N O R D E R

The Show Cause Notice dated 13.03.2017, issued by the respondent University is under challenge in the present writ petition.

2. The impugned show cause notice states that the Government have repealed the Annamalai University Act 1928 and enacted Annamalai University Act 2013. Consequentially, various measures are being taken to streamline the administration and to ensure that the University is properly administered and managed in fulfillment of the purpose for which it was established. The University overcomes the administrative and financial crisis. As a part of the remedial measures, the Educational Qualifications of all the University employees have been verified to ensure that the University employees, both teaching and non-teaching, are having proper Educational qualification.

3. In this context, it was stated that on verification of the Educational Qualification of the writ petitioners, it was found that they are not having the requisite qualifications, as per the pattern prescribed by the University Grant Commission in its regulations. In order to provide an opportunity to the writ petitioners to establish their case as well as the qualifications, the impugned show cause notice has been issued stating that the explanation to be submitted by the writ petitioners through proper channel, should reach the Registrar within 15 days from the date of receipt of a copy of this order.

4. The learned counsel for the writ petitioners states that the writ petitioners are fully qualified and they had already submitted their explanations along with all requisite documents. However, the respondents have not considered the same and the Show cause notice has been issued in a routine manner without considering the explanations.

5. This Court is of the opinion that no writ can be entertained against a show cause notice in a routine manner. A writ against a show cause notice shall be entertained, if the same has been issued by an incompetent authority having no jurisdiction or an allegation of mala fides are raised or if the same is in violation of the statutory rules in force. Even in case of raising allegation of mala fides, the authorities

against whom such an allegation is raised, to be impleaded as a party respondent in the writ proceedings in his personal capacity. In the absence of any of these legal grounds, no writ proceedings can be entertained in respect of the show cause notice issued under the statute. Judicial review against the show cause notice is certainly limited.

6. The writ petitioners had rightly submitted their explanations setting out all the facts and by requisite documents pursuant to the show cause notice issued. Under these circumstances, the respondents are bound to consider the explanations as well as documents submitted by the writ petitioners and pass orders on merits and in accordance with law and with reference to the UGC Act and Regulations as well as the Annamalai University Act, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioners are also at liberty to submit any further representation.

7. With these directions, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

Kmm

To

1. The State of Tamil Nadu
Represented by its Principal Secretary to Government
Principal Secretary to Government
Higher Education Department
Fort ST George, Chennai

2. The Annamalai University
Represented by its Registrar
Annamalaipuram
Chidambaram - 608 002.

+2 Ccs to Mr.S.Yashwanth, Advocate sr 22337, 22338.

+2 Ccs to Mr.K.Sathish Kumar, Advocate sr 21800, 21801.

W.P.Nos.33270 & 33281 of 2018

EV(CO)

SP(27/04/2019)