



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

W.P.(MD) No.21996 of 2019

and

W.M.P(MD).No.18750 of 2019

Dr.V.Murugan

... Petitioner

-Vs-

The Madurai Kamaraj University
Represented by its Registrar
Palkalai Nagar
Madurai 625 021

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to revoke the suspension of the petitioner and reinstate the petitioner in the post of Assistant Professor in respondent University by considering the representation of the petitioner, dated 26.03.2019 in the light of the Judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291, within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

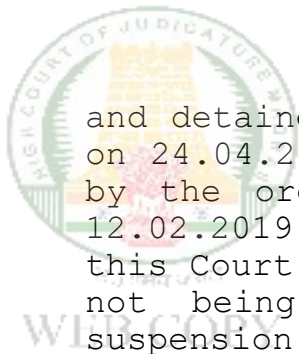
For Respondent : Mr.Isaac Mohanlal
For M/s.Isaac Chambers

ORDER

The writ petition has been filed for a direction to the respondent to revoke the suspension of the petitioner and reinstate the petitioner in the post of Assistant Professor in respondent University by considering the representation of the petitioner, dated 26.03.2019 in the light of the Judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs. Union of India reported in (2015) 7 SCC 291, within the time period stipulated by this Court.

2.Mr.Isaac Mohanlal, learned Senior Counsel takes notice for the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he was working as an Assistant Professor in the Madurai Kamaraj University since 2014. In view of the criminal case pending against the petitioner, he was arrested



and detained by the Police and hence, he was suspended from service on 24.04.2018. According to the petitioner, he was enlarged on bail by the order of the Hon'ble Supreme Court vide its order dated 12.02.2019. The trial of the criminal proceedings has been stayed by this Court. The petitioner is being paid subsistence allowance while not being permitted to render his service due to the said suspension. This has drastically affected the academic interests of students including eight research scholars who are being guided by the petitioner in their Doctoral research. Hence, the petitioner has made a representation, dated 26.03.2019 to the respondent to revoke the suspension in the light of the Judgment of the Hon'ble Supreme Court in *Ajay Kumar Choudhary Vs. Union of India* reported in (2015) 7 SCC 291.

4.From the materials on record, it is seen that the criminal case has been registered against the petitioner. According to the petitioner, the same was stayed by this Court. The petitioner has not given any details with regard to the case details. It is stated by the petitioner that the criminal proceedings are not proceeded further.

5.On the other hand, Mr.Isaac Mohanlal, learned Senior Counsel appearing for the respondent submitted that the trial has already been commenced. In such circumstances, it is not open to the petitioner to seek revocation of the suspension, even though it is beyond three months. The Judgment of the Hon'ble Supreme Court is not applicable to the facts of the present case.

6.In view of the abovesaid reason, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-92938[F] dated 18/10/2019
+1 CC to M/s.T.LAJAPATHI ROY, Advocate SR-93055[F] dated 18/10/2019

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