

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.8551 of 2020  
and  
W.M.P.No.10340 of 2020

Dr.E.Selvarajan

.... Petitioner

vs.

- 1.The Vice Chancellor,  
Annamalai University,  
Annamalai Nagar-608 002  
Chidambaram.
- 2.The Registrar,  
Annamalai University,  
Annamalai Nagar-608 002,  
Chidambaram.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the order of the first respondent in Pro.No.C.C1/0290/2020-1. Dated 15.06.2020 and to quash the same and to issue consequential directions to reinstate the petitioner in service with consequential benefits of continuity of service, back pay etc., and permit him to retire on 30.06.2020 A.N.without any condition.

For Petitioner : Mr.S.N.Kirubanandam

For Respondents : Mr.K.Sathishkumar

ORDER

The matter is taken up through web hearing.

2.In this Writ Petition, the petitioner is questioning the suspension order dated 15.06.2020, on the basis of a criminal case registered against him, on the eve of his retirement. The petitioner is a Professor of Economics, working in the respondent/University. There was a complaint against him that he was involved in money transaction with third party in regard to medical college admission in the University, where he is working. As a fall out of the transaction, a criminal case was

filed against him. In the said circumstances, the University had initiated action after coming to know of the criminal complaint pending against him and suspended him, by the impugned proceedings.

3.The grounds and averments as contained in the affidavit filed in support of the writ petition are revolving around the factual disputes as regards the petitioner version as against the complaint lodged against him. The petitioner also appears to dispute the veracity of the contents contained in the affidavit filed in support of W.P.No.7719/2020, filed by the third party, alleging fraud and cheating against him. The learned counsel appearing for the petitioner, attempted to argue the case on the sole basis of disputing the petitioner's involvement in the criminal complaint lodged against him and also the contents of the affidavit filed by the third party in W.P.No.7719 of 2020, making certain allegations against the petitioner.

4.This Court is unable to appreciate as to how an order of suspension could be interfered with on the basis of factual assertion by the petitioner. Moreover, how could this Court come to a conclusion in regard to the truthfulness or otherwise of the averments contained in the affidavit filed in support of W.P.No.7719/2020. In fact, in the entire affidavit, the petitioner seems to question the veracity of the contents of the affidavit in the said writ petition, which certainly cannot be the basis for entertaining this Writ Petition. Moreover, the grounds relating to G.O.Ms.No.144, P & AR (N) Department, dated 08.06.2007, and the instruction of the Government dated 03.04.2013, cannot be applied to the factual matrix of the present case. When a serious allegation of fraud and cheating is made against the petitioner, who happened to be a Professor of the University, the University had no option except to invoke the power of suspension on the eve of retirement. Such power cannot said to be arbitrarily exercised in this matter. In any case, this Court does not find any worthwhile ground to interfere with the impugned proceedings.

5.In view of the above narrative, this Court finds that there is no merits in the writ petition and the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm/msk

To

1.The Vice Chancellor,  
Annamalai University,  
Annamalai Nagar-608 002

2.The Registrar,  
Annamalai University,  
Annamalai Nagar-608 002,  
Chidambaram.

VSNII (CO)  
RMP (30/09/2020)

W.P.No.8551 of 2020



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