

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.9585 of 2020

and

W.M.P.No.11702 and 11704 of 2020

Dr.R.Agila

...Petitioner

vs.

1.The Registrar,
Tamilnadu Agricultural University,
Coimbatore.

2.The Professor and Head,
Tamil Nadu Agricultural University,
Rice Research Station,
Tirur, Tiruvallur District.

3.The Chairman,
Fact Finding Committee (FFC),
Programme Co-ordinator,
Krishi Vigyan Kendra,
Tirur, Tiruvallur District

...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 of the respondents Bo.1 to 3, in relation to the proceedings issued in No.SO(V &DP)/0675/2020, dated 07.07.2020 issued by the 1st respondent and quash the same and issue a consequential direction to the respondents to dissolve the Fact Finding Committee headed by 3rd respondent and refer the complaint dated 28.05.2020 of the petitioner regarding commission of theft of personal documents and laptop with the personal belongings of the petitioner, to the appropriate Police authorities for investigation.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.P.Sivashanmugha Sundaram,
Special Government Pleader

ORDER

The matter is taken up through web hearing.

2.The case of the petitioner is that she was holding the post of Professor in the first respondent University. According to her, during January, 2020, she was assigned the work of monitoring the education and examination activities of one private Agricultural College at Vellore District, which was affiliated to the first respondent University. According to the assignment dated 29.01.2020, the petitioner attended the work at the private institution.

3.According to the petitioner, due to some ailment, she took leave on 20.03.2020 and from 23.03.2020 she could not attend any work in view of the lockdown announced by both the Central and State Governments, as there was no transport facility.

4.In the month of May, 2020, the first respondent University directed 30% of Staff to attend duty and as far as the petitioner was concerned, she was informed on 27.05.2020 by the first respondent University that she has to attend the regular duty at Rice Research Station, Tirur, Tiruvallur District. On the same day, the petitioner had also received communication from the second respondent directing her to submit explanation for her absence for 11 days from 18.03.2020 to 24.03.2020 and from 20.05.2020 to 23.05.2020.

5.In the meanwhile, according to the petitioner, when she resumed duty on 28.05.2020, she found that some of her personal files and laptop were missing from her office and therefore, she was constrained to lodge a complaint to the second respondent and requested him to conduct an enquiry to recover the laptop and files and also to take action against the person, who was responsible for stealing her personal items.

6.It appears that some enquiry was conducted on 29.05.2020, but the petitioner had expressed her dissatisfaction in respect of the conduction of enquiry. As regards the show cause notice issued to her for her absence, the petitioner submitted her explanation on 02.06.2020. Thereafter, the first respondent constituted a Fact Finding Committee, vide his proceedings dated 12.06.2020. The constitution of the Fact Finding Committee was also duly informed to the petitioner by the second respondent on 25.06.2020. On 29.06.2020, the third respondent, who is the Chairman of the Fact Finding Committee, issued notice to the petitioner for her appearance and enquiry.

7. At this, the petitioner submitted a representation on 30.06.2020, expressing no confidence in the third respondent Committee and wished to refer her complaint to the Police Authorities. Thereafter, the Committee appears to have sent two communications regarding the rescheduled date and time of the meeting for enquiry. Subsequently, on 07.07.2020, the first respondent sent a communication rejecting the request of the petitioner dated 30.06.2020 and directed the petitioner to appear before the third respondent on 13.07.2020, failing which, the petitioner was informed that further action will be taken against her.

8. Even after rejection of her request by the first respondent, the petitioner failed to appear before the third respondent Committee for enquiry and the Committee has no other option except to conduct enquiry on 13.07.2020. At this point of time, the petitioner is before this Court, challenging the rejection order passed by the first respondent University, dated 07.07.2020, and to dissolve the third respondent Committee with a further direction to refer her complaint to the Police Authorities for investigation.

9. The learned counsel for the petitioner reiterated the facts as detailed above. The learned counsel would submit that the petitioner has an apprehension that no impartial enquiry would be conducted, headed by the third respondent and according to the learned counsel, there is a likelihood of bias in the decision to be taken by the Fact Finding Committee and the said Committee has no legal sanction.

10. This Court is unable to appreciate as to how the petitioner could be permitted to question the constitution of the Fact Finding Committee, which is entrusted with the job of conducting enquiry into the allegations made out by the petitioner. It is always open to the authorities of the University to ensure that proper facts are collected by conducting a preliminary enquiry and it will also be ensured that there was any basis at all in the complaint preferred by the petitioner. Nothing precludes the University from appointing a Committee to go into the veracity or otherwise of the complaint made by the petitioner and any finding by the Committee would only help the stakeholders to take the issue forever one way or the other.

11. On the other hand, the apprehension expressed by the petitioner is completely misplaced, as the petitioner's contention in this regard is devoid of any substance. The allegation of likelihood of bias or bias per se cannot be inferred just on the basis of mere pleading of the petitioner. Even otherwise, without even appearing before the Committee, the

petitioner's attitude in challenging the very constitution of the Committee is unacceptable. If the petitioner genuinely believes in her complaint and wants to sort out the issues with the University, in regard to her absence and also in regard to her stolen belongings, it is just and necessary that the petitioner participates in the enquiry conducted by the Fact Finding Committee. Instead of doing so, the conduct of the petitioner in completely avoiding the enquiry reflects recalcitrant attitude towards the administration of the University. The petitioner's unwillingness or reluctance to participate in the ongoing fact finding enquiry is completely without any justification and the allegation that the Committee would not be impartial are baseless and unfounded, at least, at this stage. When a complaint of this nature is preferred by an Official of the University, before escalating the matter to the Police Officials, it is always better, in the interest of University Administration, to conduct an in-house enquiry and to find out the truthfulness or otherwise of the complaint or who was involved in the alleged stealing of the personal belongings of the petitioner. Such undertaking by the University to conduct preliminary enquiry is entirely in the interest of the University administration and to avoid bringing any police authorities into the University affairs, unnecessarily.

12. On the whole, this Court is of the view that the present writ petition appears to be clearly motivated and has absolutely no substance. In effect, this Court can come to a safe conclusion that all is not well with the relationship of the petitioner and the University and the petitioner seems to be not well disposed towards the University. However, such strained relationship does not give her right to approach this Court to stall a preliminary enquiry to be conducted into the complaint lodged by her.

13. In the above circumstances, this Court finds no merit in the writ petition and hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm/msk

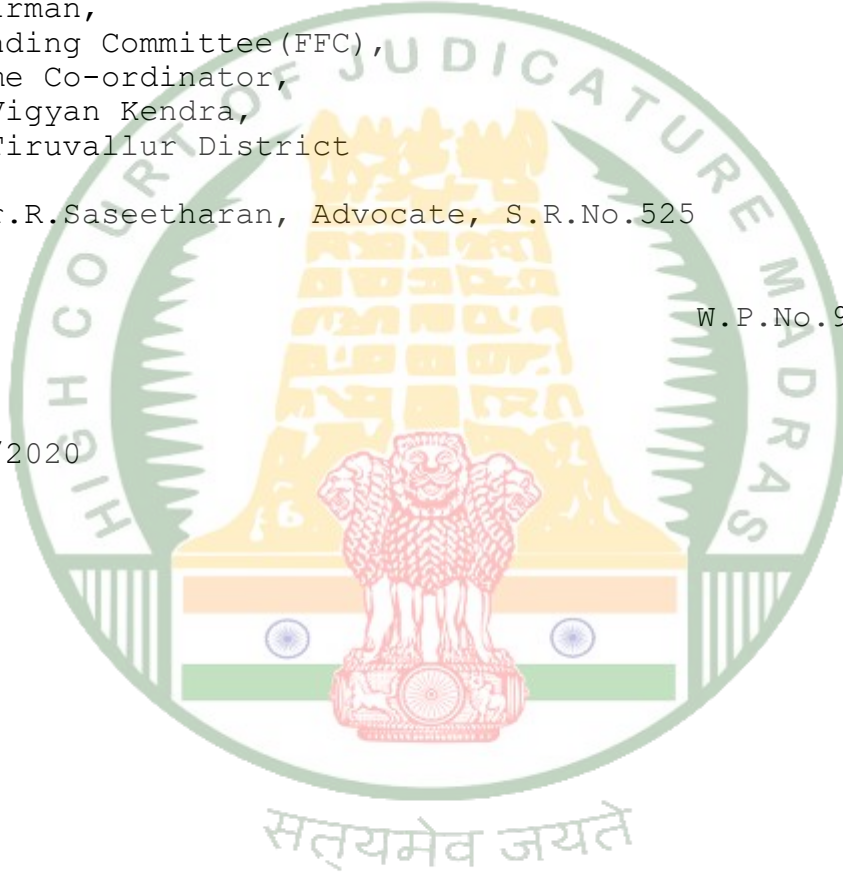
To

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+lcc to Mr.R.Saseetharan, Advocate, S.R.No.525

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SKS (CO)
KKV/24/08/2020



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