

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NO.14596 OF 2020

AND

W.M.P.NO.18098 OF 2020

Dr.F.Biravinth Solomon

... Petitioner

Vs.

1. The Vice Chancellor,
Dr.MGR University,
Guindy, Chennai - 600 032.

2. The Chairman,
The Medical Council of India,
MCI Building, Pocket - 14,
Sector-8, Dwarka Phase -1,
New Delhi - 110 077.

3. The Principal,
The Christian Medical College,
Vellore - 632 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for records of the proceedings in Charge Memo dated 19.06.2020 on the file of the 3rd respondent to quash the same as illegal and consequently direct the 3rd respondent to permit the petitioner to pursue the Super Specialty Course in the Department of Cardio Thoracic Surgery in the Christian Medical College.

For Petitioner : Mr.N.Premkumar

For Respondents : Mr.D.Ravichander, SC (for R1)

ORDER

The case of the petitioner is that after completion of his degree in Medicine, he was appointed by the third respondent on 08.09.2018 in the Department of Cardio Thoracic Surgery. In discharge of duties, certain allegations were made against the petitioner as to his conduct and character for which charge

memorandum was issued on 19.06.2020 by the third respondent. The charge memorandum contains several allegations and on the basis of such allegations the petitioner charged with improper behavior, insubordination and act of subversive of discipline, theft, dishonesty etc. The charge memorandum is put to challenge in this writ petition.

2. In response to the charge memorandum, the petitioner has also stated to have given his representation denying the charges. But thereafter, has chosen to challenge the charge memorandum without the completion of the disciplinary action initiated against him.

3. The learned counsel appearing for the petitioner would submit that the impugned charge memorandum was issued without following the principles of natural justice and the same was issued contrary to law. In the grounds raised in support of the challenge, the petitioner is also assailing order of suspension passed against him.

4. This Court has gone through the affidavit and the grounds incorporated in the affidavit and finds that none of the grounds raised in the affidavit carried any iota of legal sense for this Court to intervene at the stage of charge memorandum. Even the facts as narrated in the affidavit, this Court is unable to comprehend what exactly the petitioner is attempting to explain his case.

5. The affidavit contains disjointed facts lacking complete coherence. Moreover, a charge memorandum cannot be challenged on the basis of generic plea of violation of principles of natural justice, unless, it is concretely and categorically established for this Court to interfere with the charge memorandum as an exception to the Rule. In this case nothing is stated in the affidavit or in the grounds which can be considered as having any modicum of merit in support of the challenge. On the whole, this Court finds that the entire writ petition appears to be bereft of any factual or legal sense for this Court to entertain this writ petition.

6. Therefore, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

pns/mrm

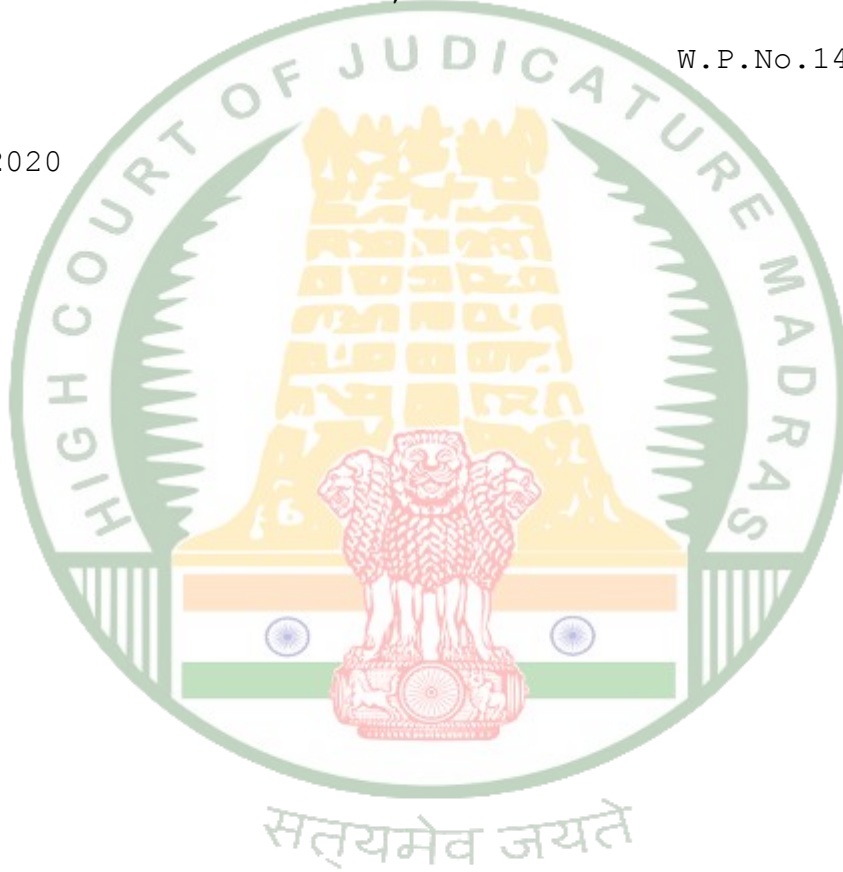
To

1. The Vice Chancellor,
Dr.MGR University,
Guindy, Chennai - 600 032.
2. The Chairman,
The Medical Council of India,
MCI Building, Pocket - 14,
Sector-8, Dwarka Phase -1,
New Delhi - 110 077.

+lcc to the Government Pleader, S.R.No. 33527

W.P.No.14596 of 2020

AJS (CO)
CS/06/11/2020



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