

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**Sub. Appl No.373 of 2020
in
Cont.P. No.124 of 2020**

S.Saravanakumar

.. Petitioner/Petitioner

- Vs -

1.Thiru.Mangat Ram Sharma, IAS,
Secretary,
Department of Higher Education,
Secretariat, Fort St. George,
Chennai-600 009.

2.Dr.L.Karunamoorthy,
Anna University,
Rep. By its Registrar,
Anna University,
Chennai 600 025.

.. Respondents/Respondents

Petition filed under Section 151 of the Civil Procedure Code, praying

to reopen the contempt petition in Cont.Petn.No.124 of 2020 dated
28.02.2020.

For Petitioner : M/S.G.Sankaran

For Respondents : Mr.P.H.Aravind Pandian, AAG
assisted by
Mr.E.Manoharan, Spl.G.P for R1
: Mr.M.Vijeyakumar for R2

ORDER

The sub-application is filed to reopen the contempt petition in Cont.Petn.No.124 of 2020 dated 28.02.2020.

2.On perusal of the records, it is seen that on an earlier occasion, in WMP.Nos.7121 and 7849 of 2019 and in W.P.Nos.6178 and 6664 of 2019, this Court by its order dated 14.11.2019, issued direction to the respondents not to revert the petitioners from the post of Associate Professor and Professor respectively, to any lower post and interim order of status quo already granted by this Court was modified to the above extent and a further direction was issued to the respondents to proceed with the absorption of other eligible candidates including the petitioner, if otherwise eligible, as per the Resolution dated 06.02.2019. For non-compliance of the said order, the petitioner filed the present contempt petition before this Court and the matter was adjourned for getting instructions from the respondents about the

compliance of the earlier order passed. On instructions, the learned Addl. Advocate General submitted that the direction will be complied with, within a period of three weeks from the date of receipt of a copy of this order. Recording the same, the above contempt petition was closed granting liberty to the petitioner to revive the contempt petition if the said undertaking is not complied with. However, the said order having not been complied with in letter and spirit, the present sub application has been filed for reopening the contempt petition.

3.Pursuant to the statutory notice issued, today, the Secretary, Department of Higher Education/1st respondent and the Registrar, Anna University /2nd respondent are present before this Court and filed an affidavit dated 03.12.2020, wherein, in Paragraph Nos.6 and 7 it is stated as under :-

“6.It is submitted that as per the Anna University Act, the Syndicate of the Anna University is the Competent Authority to resolve the absorption of the Writ Petitioners. In the light of the above, it is submitted that the last regular Syndicate was held on 28.02.2020 and after that only a special Syndicate was held on 12.09.2020 for conducting examinations and admission matters. In view of pendency of the above said contempt petition this respondent vide letter No.4051/11/2020, Higher Education(11) Department, Dated 01.12.2020 had requested the Vice-Chancellor of Anna University to place the subject in circulation in the Syndicate on 02.12.2020 for the faculty who have filed the Writ Petitions as the Contempt is coming up on 04.12.2020. However, the Vice Chancellor, Anna University in his letter

No.1084/VC/2020, dated 02.12.2020 among other things has stated as follows:-

“It is highly inappropriate to get this issue of grave importance to get it circulated for mere discussions. This matter needs to be discussed in greater detail by the Syndicate in Members presence and they will certainly need to seek response form the Higher Education Department on following two issues:

3.Why the resolution of Syndicate Meeting held on 06.02.2019 and 20.11.2019 to accept the recommendations of Thiru. V.P.Muthusamy Committee was totally reflected by the Higher Education Department?

4.Allegations of Additional Secretary in her letter on 27.12.2019 that University is burying all the malpractices that were brought to light needs to be explained, since it casts aspersions on both university officials and members of Syndicate which took this decision.

7.It is submitted that even though this respondent has taken effective steps to implement the orders of the Hon'ble High Court dated 14.11.2019 in W.MP.Nos. 7121 and 7849 of 2019 and in WP.Nos.6178 and 6664 of 2019. The Vice Chancellor is the Chairman of the Syndicate, this respondent is the ex-officio member of the Syndicate. In spite of taking sincere efforts to Honour the Honourable High Court directions this respondent is unable to implement the order. whenever the matter is placed in the Syndicate, as a member of Syndicate, this respondent will make a sincere effort to comply with the orders of the Honourable High Court.’ “

4. From the above, it is evident that the respondent has taken effective steps to implement the orders of this Court dated 14.11.2019. However, the Vice Chancellor is the Chairman of the Syndicate and this respondent is the ex-officio member of the Syndicate and is taking all sincere efforts and as and when the Syndicate Meeting is convened all earnest efforts will be taken

to implement the order passed by this Court. In such view of the matter, recording the said stand of the respondents, in the interests of justice, without reopening the contempt application, this sub application is closed. However, as and when the Syndicate Meeting is convened and a decision is taken relating to implementation of the orders of this Court, the same shall be communicated to the petitioners and on receipt of the said decision of the Syndicate, the petitioners are at liberty to proceed with the matter in accordance with law. The appearance of the contemnors are dispensed with.

5. Accordingly, the sub application is closed with the aforesaid observations and directions.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

jrs

//Certified to be true copy//

सत्यमेव जयते

Dated at Madras this the day of 2021.

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COURT OFFICER(O.S.)

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IM/16/02/2021

To

1.The Secretary,
Department of Higher Education,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Registrar,
Anna University,
Guindy,
Chennai 600 025.



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