



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.22765 OF 2021
AND WMP.NO.24000 OF 2021

(Through Video Conferencing)

Dr.R.Agila

...Petitioner

Vs

1.The Tamil Nadu Agricultural University,
Rep. by its Registrar,
Lawley Road,
Coimbatore - 641 003.

2.The Director,
Open and Distance Learning,
Chairman, High Power Committee,
Tamil Nadu Agricultural University,
Coimbatore - 641 003.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records relating to the order bearing ref.No.DODL/TNAU,Cbe/High Level Committee/2021 dated 11.10.2021 issued by the 2nd respondent High Power Committee and to quash the same as being illegal, arbitrary, malafide, without jurisdiction and for a consequential direction to the 1st respondent University to drop all further proceedings pursuance to the above impugned order.

For Petitioner : Mr.N.G.R.Prasad Senior Counsel for
M/s.Row and Reddy

For Respondent : Mr.Abdul Saleem

ORDER

The petitioner has challenged the impugned communication dated 11.10.2021 bearing reference No.A2/12149/2021 issued by the second respondent.

2. By the impugned communication, the petitioner has been requested to be present before the respondents on 21.10.2021 and



22.10.2021 at Head Quarters and brief the complaints on the subject without fail.

3. It is the case of the petitioner that without furnishing the copies of the complaint based the proposed hearing is to be held and it is proposed to hold an enquiry proceedings.

4. The learned Senior counsel for the petitioner submits that the petitioner has earlier filed a writ petition before this Court in WP.No.9585 of 2020 for a Writ of Certiorarified Mandamus to call 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 to 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.

5. It is further submitted that though the writ petition was dismissed by an order dated 22.07.2020, the petitioner preferred an appeal before the Division Bench of this Court in W.A.No.838 of 2020. The Hon'ble Division Bench by its order dated 25.09.2020 has observed as follows:

"3. What we find is that the University had already set up a Fact Finding Committee calling upon the appellant also to appear, but the apprehension of the appellant is that instead of enquiring into the cause of theft, the appellant is being sought to be blamed for the loss of items and therefore, this approach of the respondent University is being questioned and it is prayed that the Court may issue appropriate directions for getting the matter enquired into by the appropriate forum.

4. It would be necessary to navigate through the Rules and Regulations or Circulars as may be available with the University with regard to any internal mechanism of Staff Grievance Redressal University to produce such material as may be available by way of filing an affidavit within six weeks. In the meantime, the Fact Finding Enquiry shall proceed.

5. It is open to the appellant to appear before the Fact Finding Committee for enquiry, but, any proposed action by the University shall be taken only after the leave of this Court."



6. The learned Senior counsel for the petitioner further submits that the proposed enquiry is to be held on 21.10.2021 and 22.10.2021 are intended to dilute the above order in writ appeal filed before the Division Bench and also results in violation of Principles of Natural Justice as the subject matter of the enquiry to be held on these two days.

7. Appearing on behalf of the respondents, learned counsel for the respondents submits that the details of the complaint will be furnished to the petitioner, if the petitioner appears before the respondents on 21.10.2021 and 22.10.2021. He further submits that no enquiry is proposed to be held on 21.10.2021 and on 22.10.2021.

8. Recording the same, this writ petition is closed. The respondents are directed to furnish the copies of complaint to the petitioner and thereafter conduct the enquiry against the petitioner.

9. This Writ Petition is closed with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

drl

To

1.The Registrar,
The Tamil Nadu Agricultural University,
Lawley Road,
Coimbatore - 641 003.

2.The Director,
Open and Distance Learning,
Chairman, High Power Committee,
Tamil Nadu Agricultural University,
Coimbatore - 641 003.

+1cc to M/s.Row & Reddy, Advocate SR.No.53790

W.P.No.22765 of 2021
and
WMP.No.24000 of 2021

CA(CO)
RVM(30/11/2021)