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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No. 26255 of 2021

and

W.M.P.No. 27703 of 2021

Dr.F. Biravinth Solomon

..Petitioner

Versus

1.The Vice Chancellor

The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai Road, Guindy,
Chennai - 600 032.

2.The Chairman,

National Medical Council,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi-110 077.

3.The Principal

Christian Medical College,
Ida Scudder Road,
Vellore - 632 004.

4.C.Sreedharan

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 3 and 4 to complete and file a final report on the enquiry proceedings which stands initiated as against the petitioner pursuant to a charge memos dated 19.06.2020 issued by the third respondent college and to fix a time frame for the respondents 3 and 4 to file the final report on the enquiry proceedings and to complete the domestic enquiry proceedings which stands initiated as against the petitioner as deemed fit by this Court.

For Petitioner : Mr.Ganesh and Ganesh

For R2 : Mr.Shubharanjani Ananth
Standing Counsel

For RR 1, 3 and 4 : No Appearance



O R D E R

This writ petition has been filed seeking a direction to the respondents 3 and 4 to complete and file the final report on the enquiry proceedings initiated against the petitioner pursuant to the charge memo dated 19.06.2020 issued by the third respondent college.

2. The case of the petitioner is that the petitioner joined M.Ch. Cardiothoracic Training Programme in the third respondent college in the year 2018. He has taken a set of expensive text books from the departmental library and office without following the protocol maintained in the Department. Thereafter, he has refused to handover the books which are in his possession. Based on serious allegations, the petitioner was issued charge memo by the third respondent college on 19.06.2020. Thereafter, no enquiry was conducted as alleged by the third respondent college and subsequently, he was suspended from service on 16.06.2020. Challenging the same, the petitioner filed W.P.No.14596 of 2020, which was dismissed on 09.10.2020. However, he has preferred SLP.(C)No. 1797 of 2021 and the same was also dismissed with liberty to file writ appeal and thereafter, the petitioner filed writ appeal, which was also pending. Though the third respondent college had issued a charge memo as aforesaid, they took their own time in commencing the disciplinary proceedings. Subsequently, the petitioner sent several representations to the third respondent college on 26.08.2020, 11.09.2020 and 04.11.2020 as well as to the 1st respondent on 17.06.2020, 07.08.2020 and 20.08.2020 to take steps to revoke his suspension and permit him to continue with the course, but the respondents 1 and 3 have not considered the representations of the petitioner. Hence the petitioner has come forward with the present writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents 3 and 4 to consider the petitioner's representations and dispose of the same within a stipulated time that may be framed by this Court.

4.Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representations or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents 3 and 4 to consider the petitioner's representations and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner within a



period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

msm

To

- 1.The Vice Chancellor
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai Road, Guindy,
Chennai - 600 032.
- 2.The Chairman,
National Medical Council,
Pocket-14, Sector-8, Dwarka Phase-1,
New Delhi-110 077.
- 3.The Principal
Christian Medical College,
Ida Scudder Road,
Vellore - 632 004.
- 4.C.Sreedharan
10/1, 57th Street,
Ashok Nagar,
Chennai - 83.

+2cc to M/s.Ganesh & Ganesh, Advocate, S.R.No.65669

W.P.No. 26255 of 2021

CP(CO)
RGA(24/01/2022)