



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2021

CORAM

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.A.(MD)Nos.124 and 125 of 2021

and

C.M.P.(MD)Nos.306 and 307 of 2021

1.The Vice Chancellor,
Bharathidasan University,
Trichy - 24.

2.The Registrar,
Bharathidasan University,
Trichy - 620 024.

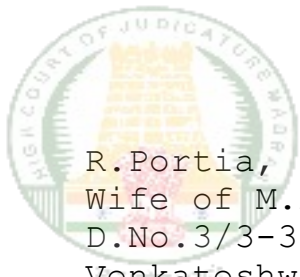
... Appellants/Respondents 2 & 3 in
both Writ Appeals

Vs.

M.S.Balamurugan,
General Secretary,
Association of University Teacher (Regd),
No.A/67, 2nd Cross, Dheeran Nagar,
Trichy, Trichy District. ... 1st Respondent/Writ Petitioner in
W.A. (MD)No.124/2021

Dr.S.Gandhi,
Associate Professor in Tamil,
National College,
Trichy, Trichy District,
Residing at
No.1/112, Kidaram Post, Kattuputhur Via,
Thottiyam Taluk, Trichy District. ... 1st Respondent/Writ Petitioner in
W.A. (MD)No.125/2021

The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of Higher Education,
Chennai - 9. ... 2nd Respondent/1st Respondent in both the
Writ Appeals



R.Portia,
Wife of M.Hilarion Paul,
D.No.3/3-37, Anbagam,
Venkateshwara Nagar,
East Ambigapuram,
Trichy - 620 004.

... 3rd Respondent/4th Respondent in both the
Writ Appeals

Common Prayer : Writ Appeals filed under Clause 15 of Letters Patent Act, against the common order dated 23.12.2020, made in W.P. (MD)Nos.7189 and 15586 of 2020.

COMMON PRAYER in WP(MD).7189 and 15586 of 2020:

Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Notification published by the third respondent in his Notification No.H2/13677/2019 in the leading Dailies (The Hindu, (all India) and Dinamani (Tamil Nadu) dated 08.07.2019 for direct recruitment to the posts of Professor, Associate Professor and Assistant-Professor by treating/considering the entire University as a single Unit and the consequential order passed by the first respondent in his proceedings in Letter No.17166/H2/2019-2, dated 28.05.2020 and quash the same as illegal and consequentially to direct the third respondent to issue fresh notification for direct recruitment in the second respondent University by considering/treating each department/subject as a single unit in terms of Letter issued by the first respondent in his proceedings in Letter No.17867/K2/2018-2, dated 29.08.2019.

For Appellants in both W.As. : Mr.VR.Shanmuganathan
Standing Counsel

For 1st Respondent in both W.As. : Mr.M.Ajmalkhan
Senior Counsel

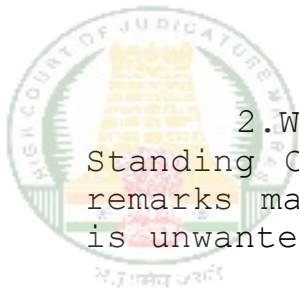
For 1st Respondent in both W.As. : Mrs.S.Srimathy,
Special Government Pleader

* * * * *

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

Both these Writ Appeals have been preferred against the common order dated 23.12.2020, passed by the learned Single Judge in W.P. (MD)Nos.7189 and 15586 of 2020.



2. When these matters are taken up for hearing, learned Standing Counsel appearing for the appellants submitted that the remarks made in paragraph 69 to 71 against the officer concerned is unwanted and unnecessary.

3. We have heard Mr. Ajmal Khan, learned Senior Counsel appearing for the first respondent/writ petitioner in both the Writ Appeals on the above said submission and also perused the impugned common order of the learned Single Judge.

4. After perusing the observations of the learned Single Judge in paragraph Nos. 69 to 71, we do find it as not necessary and germane to the issue involved. Law is quite settled that before making an adverse remark, the person concerned will have to be put on notice. Though the officer concerned has contested the case on merits, on the adverse remarks, she has not been heard. In such view of the matter, the adverse remarks made in paragraph Nos. 69 to 71 stand expunged.

5. Accordingly, the Writ Appeals stand dismissed, while expunging the remarks made against the officer concerned, by the learned Single Judge in paragraph Nos. 69 to 71. Consequently, connected Miscellaneous Petitions are also dismissed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The Principal Secretary to Government,
Department of Higher Education,
State of Tamil Nadu, Chennai - 9.

Common Judgment made in
W.A. (MD) Nos. 124 and 125 of 2021
29.01.2021

VR (CO)

TR(11.02.2021) 3P 2C