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W.A.[MD]No.884 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.884 of 2021

and

C.M.P. [MD]No.3971 of 2021

V.Balamurugan

: Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,

Rep. by its Principal Secretary to Government/
Agricultural Production Commissioner,
Agricultural (AU) Department,
Secretariat, Chennai.

2.The Registrar,

Tamil Nadu Agricultural University,
Coimbatore.

3.The Vice Chancellor,

Tamil Nadu Agricultural University,
Coimbatore.

: Respondents /Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 05.02.2021 in W.P.(MD)No.468 of 2021 and allow the Writ Petition in full.

Prayer in WP(MD) . 468/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-30. Pleased to issue a writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Letter No.2520/AU/2020-8 dated 22.12.2020 and quash the same as illegal and pass such further or other orders as this Honourable Court may deem fit and and proper in the circumstances of the case and thus render justice.

For Appellant

: Mr.Mohammed Imran

for Mr.B.Anandan

For Respondent No.1

: Mr.K.P.Krishnadass

Special Government Pleader

For Respondents 2 &3

: Mr.A.Thirumurthy



JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

With the consent on either side, this Writ Appeal is taken up for final disposal.

2.Heard Mr.Mohammed Imran, learned Counsel for Mr.B.Anandan, learned Counsel appearing for the appellant, Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the first respondent and Mr.A.Thirumurthy, learned Counsel appearing for the second and third respondents.

3.This appeal by the appellant / writ petitioner is directed against the order dated 05.02.2021 in W.P.(MD)No.468 of 2021.

4.The Writ Petition was dismissed with a cost of Rs.10,000/-, on the ground that the appellant had challenged a communication sent by the Government to the University, to which he is not entitled to get a copy.

5.On the last occasion when the case came up for hearing, we directed the appellant to file an affidavit as to how he obtained a copy of the Government Letter. Today, an affidavit has been filed by Mr.V.Balamurugan, stating that the information was widely circulated in a whatsapp group. If that is so, as a responsible teaching faculty of the University, he should have deleted the message, because it is a Government Letter addressed to the University and technically, it is an internal communication. It is for the University to take a decision and ultimately, if any decision is taken by the University and the appellant is aggrieved, then he can question the same. The present attempt of the petitioner cannot be appreciated. Therefore, we are not inclined to interfere with the order dismissing the writ petition. However, taking into consideration that the petitioner has also given an apology letter which is in the custody of the learned Counsel for the petitioner, the cost imposed is reduced to Rs.500/-.

6.Mr.A.Thirumurthy, learned Counsel appearing for the respondent University submitted that the governing body of the University is yet to take a decision in the matter and it is under consideration. If ultimately orders are passed and if the petitioner is aggrieved, it will be well open to him to challenge the same and the dismissal of this appeal will not stand in the way of the appellant in approaching the proper forum for necessary relief.



7.In the result, the Writ Appeal stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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/

Agricultural Production Commissioner,
Agricultural (AU) Department,
Secretariat, Chennai.

+1 CC to M/s.SPL GP (SR-17918[F] dated 28/04/2021)

W.A.[MD]No.884 of 2021

27.04.2021

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