



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.06.2021**

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.13996 of 2020

and

W.M.P. (MD) .No.11654 of 2020

(Through video conferencing)

P.Senthamaraikannan

... Petitioner

Vs.

1.The Vice Chancellor,
Anna University,
Chennai-600 025.

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

3.The Director,
Centre of Research,
Anna University,
Chennai-600 025.

4.M.Kathiresan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 12.07.2019 in Letter No.16142797114/Ph.D/AR10 passed by the 3rd respondent and the impugned order dated 11.02.2020 in Letter No.16142797114/Ph.D/AR10 passed by the 2nd respondent and the impugned order dated 28.08.2020 in Letter No.16142797114/Ph.D/AR10-2 passed by the 3rd respondent (appeal before the 1st respondent) and quash the same and consequently directing the respondents to permit the petitioner to continue his part time Ph.D., programme for which he got admission in the month of July, 2016.

For Petitioner : Mr.G.R.Satish

For Respondents 1 to 3 : Mr.K.Govindarajan

For Respondent No.4 : Mr.S.Kasirajan

ORDER

This writ petition has been filed challenging the impugned order passed by the third respondent dated 12.07.2019 and which was subsequently confirmed by the second respondent by order dated

<https://hccservices.mca.gov.in/hccservices>



11.02.2020 and by the first respondent by order dated 28.08.2020.

2. The case of the petitioner is that after completing Master of Engineering, he registered under a part-time Ph.D., programme in Anna University during July, 2016. The petitioner was undergoing the programme under the 4th respondent, who is the supervisor.

3. It is stated that the petitioner approached the 4th respondent during the month of November, 2017 requesting for conducting a comprehensive examination and it is alleged that the 4th respondent did not act upon the request made by the petitioner. The petitioner found that 3 years had lapsed without any comprehensive exams being conducted. Hence, the petitioner met his guide and requested for changing of supervisor. When the petitioner sought for a 'No Objection Certificate' from the 4th respondent, he refused to give such a certificate.

4. The petitioner therefore made a representation to the third respondent on 29.11.2018 requesting for change of Supervisor. In the said representation, the petitioner had explained the reasons as to why the supervisor must be changed. In response to the representation made by the petitioner, the 4th respondent had submitted his reply on 19.12.2018. In the said reply, the 4th respondent had made an allegation against the petitioner to the effect that the petitioner had disclosed the research discussions that had taken place even without the knowledge of the 4th respondent and had uploaded many papers in various journals.

5. An enquiry was ordered and the petitioner and the 4th respondent attended the enquiry before the enquiry committee. The enquiry committee received the written explanation of both the petitioner and the 4th respondent and based on the report of the enquiry committee, the third respondent passed an order on 12.07.2019 to the effect that the petitioner has violated Clauses 1.3 and 1.4 of Anna University Research Conduct Rules and hence the petitioner was permanently banned to register for Ph.D., programme in any of the University Department/University Colleges/Affiliation Colleges under Anna University.

6. The above order passed by the third respondent was subsequently confirmed in an appeal by the second respondent on 11.02.2020 and the first respondent by order dated 28.08.2020. Aggrieved by the same, the present writ petition has been filed before this Court.

7. Heard Mr.G.R.Satish, learned counsel appearing for the petitioner, Mr.K.Govindarajan, learned counsel appearing for the respondents 1 to 3 and Mr.S.Kasirajan, learned counsel appearing for the 4th respondent.



8. The main contention that was raised on the side of the petitioner is that the order passed by the respondents is in violation of principles of natural justice. According to the petitioner, there was no specific complaint given against the petitioner as contemplated under Clause 1.3.4 of the Anna University Regulations and the reply given by the 4th respondent was taken to be a complaint even without putting the petitioner on notice. It was further contended that the respondents have not even given any reasons for passing an adverse order against the petitioner permanently banning him from registering any Ph.D. Programme. It was further submitted that the respondents ought to have called for an explanation from the petitioner if they had intended to take the reply given by the 4th respondent as a complaint and even this minimum opportunity was not afforded to the petitioner.

9. This Court, in order to ascertain the manner in which the enquiry had taken place, wanted to peruse the entire file and hence directed the counsel for the respondents to produce the file. Accordingly, the files were placed before this Court and this Court had the advantage of going through the entire file.

10. It is seen from the files that the 4th respondent in his communication dated 19.12.2018, had made an allegation against the petitioner to the effect that he had disclosed the research discussions and had uploaded many papers without the knowledge or approval of the 4th respondent. Along with this communication, the 4th respondent had also filed as an Annexure the details of nearly 28 titles which are said to have been published by the petitioner without the knowledge of the 4th respondent.

11. There is nothing to show in the file that the petitioner was put on notice regarding this allegation made by the 4th respondent. It becomes important to put the petitioner on notice since any complaint relating to research activities will have to be addressed to the Director(Research) as per Clause 1.3.4 of the Regulations. In the present case, no complaint was given against the petitioner by the 4th respondent and the reply given by the 4th respondent to the complaint given by the petitioner was treated as a complaint under Clause 1.3.4 of the Regulations. In the considered view of this Court, the petitioner lost an opportunity to meet the allegations made by the 4th respondent against him.

12. It is also seen from the files that a committee was appointed and the petitioner and the 4th respondent were directed to appear before the committee for enquiry. The petitioner had attended the enquiry and when he was asked about the publications made by him, the petitioner had listed nearly 28 publications and according to the petitioner, except one publication, none of the other publications pertains to the subject for which he is undergoing



13. The committee seems to have made some observations and recommendations and based on the same, the provisional registration of the petitioner was cancelled since the petitioner is said to have violated Clauses 1.3 and 1.4 of the Conduct Rules. Here again, the petitioner was not provided with the observations and recommendations made by the committee and therefore the petitioner was not even aware as to what were the observations made by the committee against the petitioner. Subsequently the first respondent has followed suit.

14. The effect of the orders passed by the respondents results in civil consequences wherein the provisional registration of the petitioner has been cancelled and the petitioner has been banned from registering for any Ph.D., programme in any of the Departments and Colleges that are affiliated to Anna University. When such is the consequence of the order, the principles of natural justice will have to be necessarily followed and in the absence of the same, it will be interfered by this Court.

15. In view of the above discussion, this Court holds that the impugned orders passed by the respondents 1 to 3 are unsustainable for the following reasons:

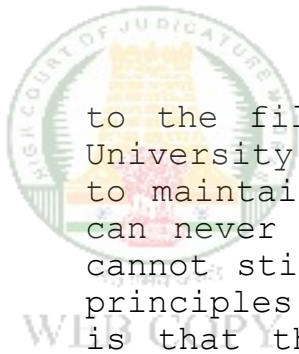
a) The petitioner was never informed that the reply given by the 4th respondent is going to be construed as a complaint under Clause 1.3.4 of the Regulations and no explanation was called for from the petitioner on the allegations made by the 4th respondent.

b) the petitioner while explaining the publications made by him to the committee had taken a stand that except one, none of the other publications pertains to the subject for which the petitioner is undergoing research. It is not known whether this was taken into consideration by the committee and even the recommendations of the committee has not been communicated to the petitioner nor does it form part of the file circulated to this Court. Therefore, the petitioner had no opportunity to put forth his case on the recommendations/observations made by the committee.

c) the orders passed by the respondents 1 to 3 are non speaking orders where there are absolutely no reasons given in the order except stating that the petitioner has violated Clause 1.3 and 1.4 of the Conduct Rules.

16. In view of the above, this Court has absolutely no hesitation to interfere with the impugned orders passed by the respondents and accordingly the same is quashed.

17. In view of the serious allegations made against the petitioner to the effect that the petitioner has indulged in plagiarism and had published articles without the concurrence of the 4th respondent, this Court is inclined to remand the matter back



to the file of the second respondent namely, the Registrar, Anna University. A person, who is undergoing a Ph.D., Course is expected to maintain very high standards of integrity and probity and there can never be a compromise on such standards. Therefore, this Court cannot stick to the traditional view regarding compliance with the principles of natural justice. What is required in the present case is that the petitioner must be given an opportunity to meet the allegations made by the 4th respondent. It can be given by way of complaint or it can be gathered from the reply given by the 4th respondent. In either way, an enquiry has to be conducted since the allegations are serious in nature.

18. Under such circumstances, the Registrar is directed to form a committee and the petitioner and the 4th respondent can appear before the committee and given their explanation. Based on the explanation, the committee can prepare a report and submit the same before the second respondent. The second respondent, on receipt of the report can furnish a copy of the same to the petitioner and the 4th respondent and call for their explanation and thereafter can pass orders in accordance with the Regulations. By following this procedure, the principles of natural justice will be sufficiently complied with.

19. In order to ensure that the enquiry is conducted and a final order is passed within a time frame, the following directions are issued by this Court:

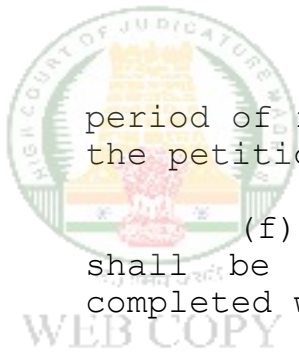
(a) the petitioner is directed to give his reply along with all the relevant materials on the allegations made against the petitioner by the 4th respondent before the Registrar within a period of four weeks from the date of receipt of a copy of this order;

(b) the Registrar in the meantime shall constitute a committee and on receipt of the reply from the petitioner shall fix a date for enquiry before the committee and the petitioner and the 4th respondent shall be present before the Committee without fail and give their explanation;

(c) the committee shall immediately submit their report to the second respondent;

(d) the second respondent shall furnish a copy of the report to the petitioner and the 4th respondent and seek for an explanation from the petitioner and the 4th respondent and the explanation has to be given within a period of two weeks from the date of furnishing the report;

(e) the second respondent immediately on receipt of the explanation from the petitioner and the 4th respondent, shall take a decision both on the complaint made by the petitioner as well as the reply made by the 4th respondent and pass orders within a



period of four weeks from the date of receiving the explanation from the petitioner and the 4th respondent;

(f) It is made clear that the time limit fixed by this Court shall be adhered to strictly and the entire process must be completed within the time limit.

20. In the result, this writ petition is allowed with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Vice Chancellor,
Anna University,
Chennai-600 025.

+1 CC to M/s.K.GOVINDARAJAN, Advocate(SR-20634[F] dated 30/06/2021)

+1 CC to M/s.G.R.SATHISH, Advocate (SR-20841[F] dated 01/07/2021)

**W.P(MD)No.13996 of 2020
29.06.2021**

RC(14.07.2021) 6P-4C