



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.20523 of 2021

and

W.M.P. (MD)Nos.17156 and 17158 of 2021

and

CONT.P (MD)No.1627 of 2021 in

W.P. (MD)No.1920 of 2021

WEB COPY

W.P. (MD)No.20523 of 2021:-

Dr.C.Radhakrishnan Nair

... Petitioner

vs.

1.Manonmaniam Sundaranar University,
represented by its Registrar,
Abishekapatti, Tirunelveli - 627 012.

2.The Vice Chancellor,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli - 627 012.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notification issued by the first respondent in No.MSU/R/M&E/ELEC/SYN/NOTIFN/2021, dated 27.10.2021 and quash the same and consequently, forbearing the first respondent from conducting election to One Member to the Syndicate under Class II(4) of Section 23(b) of Manonmaniam Sundaranar University Act without conducting election for the Senate vacancies under Clause II(4) of Section 19(a) of Manonmaniam Sundaranar University Act.

For Petitioner :Mr.R.Subramanian

For Respondents :Mr.M.Mahaboob Athiff

CONT.P. (MD)No.1627 of 2021:-

S.Subbaraju

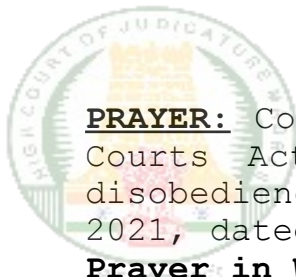
... Petitioner

vs.

1.Dr.R.Maruthakutti,
Registrar,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli - 627 012.

2.Dr.K.Pithumani
Vice Chancellor,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli - 627 012.

... Respondents



PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents herein for their wilful disobedience of the order passed by this Court in W.P.(MD)No.1920 of 2021, dated 22.02.2021.

Prayer in WP(MD). 1920/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a writ of Certiorari or any other appropriate Writ or Order or Direction particularly in the nature of Writ calling for the records pertaining to the impugned Notification issued by the 1st respondent in No.MSU/R/M and E/ELEC/SYN/NOTIFN/2021 dated 13.01.2021 and quash the same in so far as Sl.No.2 Election of one member to the SYNDICATE not falling under any of the three categories mentioned in sub section (1) (2) and (3) of Sec.23(b) Class II Other members elected by the Senate from among its members is concerned.

For Petitioner :Mr.R.Subramanian
For Respondents :Mr.M.Mahaboob Athiff

COMMON ORDER

Since arguments were advanced in both the Writ Petition and in the Contempt Petition, they are disposed of by way of this common order.

2.Heard Mr.R.Subramanian, learned Counsel for the petitioner and Mr.M.Mahaboob Athiff, learned Standing Counsel for the respondents.

3.It is a litigation, which should not have happened. It is a litigation, which, if wisdom has drawn on the Teacher, then the time and efforts could have been spent better by imparting knowledge to the Society. The Writ Petitioner should not even have thought contesting or questioning any nomination for any election before the respondent University. There are many avenues open to retired Professors and Teachers. They can, for example, go over to a children's home and teach the young children, who, unfortunately, do not have exposure of such knowledge. They can also go over to a central prison or any other such place and educate, those who are incarcerated by imparting the values of the life. The petitioners, unfortunately, had thought that spending time in a Court hall would be a better way to spend time. Naturally, one of them had filed a Writ Petition and another one has filed a Contempt Petition. Since they are before this Court, it is only appropriate that without any further ado, both the Writ Petition and the Contempt Petition are disposed of today.

4.Let me examine the Contempt Petition first. The contempt petition is a follow up of an order in W.P(MD)No.1920 of 2021, which order came to be passed by a learned Single Judge of this Court on 22.02.2021.



5.W.P.(MD)No.1920 of 2019 had been filed by the petitioner therein questioning an election notification to the Syndicate of the respondent University. The University incidentally is the Manonmaniam Sundaranar University, Tirunelveli. The learned Single Judge, who examined the contentions raised, recorded the statement made by the learned Counsel for the respondent that without rectifying the anomalies pointed out, they would not conduct or issue notification for election. Unfortunately, they did issue a notification, which has led to the filing of the Contempt Petition.

6.Issuing of such notification had further led to filing of the yet another Writ Petition in W.P.(MD)No.20523 of 2021.

7.To the little extent to which I could understand the line of arguments advanced by Mr.R.Subramanian, learned Counsel for the petitioner and Mr.M.Mohaboob Athiff, learned Counsel for the respondent, it could be deciphered that the elections are held across two tiers. There are members to be inducted into the senate and thereafter, they are also members inducted into the syndicate. They are not nominated. They are not chosen, but they have to contest the elections and like, everybody, who contests elections, they naturally got into a fight among themselves.

8.Be that as it may, it is admitted that anomalies have not been set right. Anomalies include, questions about yet another category, namely, registered graduates, who are also entitled to be members of the senate and then they move onto the Syndicate. I am informed that there are several Writ Petitions pending in that regard and a request has been made by the learned Counsel for the petitioner to list those Writ Petitions. But, as a fact, it is clear that anomalies are present within the University and these anomalies can never be set right, so long as the Writ Petitions are pending before this Court.

9.In view of that particular fact, let me at least devote my time to disposing of these petitions, namely, the Writ Petition and the Contempt Petition, but, however, placing a caveat on the University that they shall not issue any notification for any election touching upon the teachers' right to participate as members of the Syndicate. Let such a notification be issued only after the other Writ Petitions touching upon the rights of the graduates are also examined and determined by this Court.



10. With the above observations, the Writ Petition is disposed of and the Contempt Petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Cmr

TO:-

1. The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli - 627 012.

2. The Vice Chancellor,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli - 627 012.

+2 CC to M/s.R. SUBRAMANIAN, Advocate (SR-36442 & 36444[F]
dated 30/11/2021)

Order made in
W.P. (MD) No.20523 of 2021
and
CONT.P (MD) No.1627 of 2021
29.11.2021

AM(CO)
GC(22.12.2021) 4P 5C