



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.12923 of 2016

N.Muthupandi

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Department of Higher Education,
Fort St George
Chennai-9.

2.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai-625 021.

3.Mr.V.P.S.Muthusamy
Member,
Enquiry Committee/Finance Officer,
Anna University,
Chennai.

4.Mr.L.Muthupandi
Member,
Enquiry Committee/Finance Officer,
Manonmaniam Sundaranar University,
Tirunelveli.

5. Presently Working as Deputy Secretary,
Department of Finance,
Fort St. George,
Chennai-9.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to complete the enquiry initiated upon the petitioner's complaint dated 25.05.2015 regarding the appointment and placement in Educational Multimedia Research Centre (EMMRC), Madurai Kamaraj University and furnish the enquiry report within the time stipulated by this Court.



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For Petitioner : Mr.T.Lajapathi Roy
For R1 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
For R2 : Mr.K.Prabhu
for M/s.Isaac Chambers
For R5 : No appearance

ORDER

This writ petition has been filed for a direction to the respondents to complete the enquiry initiated upon the petitioner's complaint, dated 25.05.2015 regarding the appointment and placement in Educational Multimedia Research Centre (EMMRC), Madurai Kamaraj University and furnish the enquiry report.

2.The case of the petitioner is that he has joined in the Department of Audio Visual Research Centre/Educational Media Research Centre/Educational Multimedia Research Centre, Madurai Kamaraj University, in the year 1990 and thereafter, he was regularised on 01.10.1992 in the sanctioned vacancy to the post of Boom Man, which is a technical post. Till date, the petitioner has rendered 24 years of service in the said post. Further the petitioner has averred that the posts like Producer(Technical), Section Officer(Admin), Production Assistant(Technical), Clerk (LDC-Administration) and Unit Helper(Technical) in EMMRC (Educational Multi Media Research Centre) are not promotional posts and those posts have to be filled by way of direct recruitment. However, without following the rules and without issuing public notification for filling up of those posts, several vacant posts were filled by way of appointments/placements in violation of law. Aggrieved by the same, the petitioner has made a detailed representation, dated 25.05.2016 to the respondents seeking enquiry. Pursuant to which, the first respondent has constituted an Enquiry Committee, comprising the third and fourth respondents, vide G.O(1D)No.148, dated 17.06.2015. The said Enquiry Committee has been constituted on 17.06.2015. Till date, no progress in the enquiry conducted by the said Committee. Hence, the petitioner has made a representation, on 15.06.2016 to the respondents to complete the enquiry and furnish the report to the first respondent. Since no order has been passed, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner sent a detailed representation dated 15.06.2016 to the respondents seeking enquiry, as against the illegal appointments/placements and thereby, the first respondent constituted an Enquiry Committee, comprising the third and fourth respondents, vide Government Order dated 17.06.2015. However, till date, no final order was passed. Further, the learned counsel for



the petitioner submitted that it would suffice, to direct the first respondent to conclude the enquiry within the reasonable time as fixed by this Court.

4.The learned counsel appearing for the second respondent submitted that the enquiry was concluded and the same was forwarded to the Government.

5.Considering the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to conclude the enquiry, by considering the petitioner's representation, dated 15.06.2016, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to the Government,
Department of Higher Education,
Fort St George
Chennai-9.

2.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai-625 021.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-7401[F] dated
25/02/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-7452[F] dated
26/02/2021)

W.P. (MD)No.12923 of 2016
24.02.2021

SVN(CO)

TR(30.04.2021) 3P 5C