



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE **N.KIRUBAKARAN**
and
THE HONOURABLE MR. JUSTICE **B.PUGALENDHI**

W.P. (MD) Nos.23069 of 2019 & 1198 of 2020
and
W.M.P. (MD) Nos.19803, 19804, 20084 of 2019
& 943, 944 of 2020

M.Rajarajan ... Petitioner in WP.(MD).23069/19

J.Karthigai Selvan ... Petitioner in W.P.(MD).1198/20

Vs.

1.Madurai Kamaraj University,
Rep. by its Registrar,
Palkalai Nagar,
Madurai - 625 021.

2.The Vice Chancellor,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai - 625 021. ... Respondents 1 & 2 in both WPs

3.M.Krishnan ... 3rd Respondent in WP(MD)23069/19

PRAYER in WP(MD)23069/2019: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in proceedings No.R/MKU/ACE-DDE/2019 dated 23.09.2019 and quash the same and to further direct the respondents to permit the petitioner to continue as Additional Controller of Examinations in the first respondent University with salary and other attendant benefits from September, 2019 onwards.

PRAYER in WP(MD)1198/2020: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned suspension order in proceedings No.R/MKU/ACE-DDE/2019 dated 23.09.2019 and quash the same and consequently, to direct the first respondent to reinstate the petitioner along with all benefits with effect from 23.09.2019.



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For Petitioner : Mr.E.V.N.Siva
In WP(MD)23069/19

Mr.R.Shankar Ganesh
In WP(MD)1198/20

For Respondents : Mr.Issac Mohanlal
Senior Counsel
for M/s.Issac Chambers
for R.1 & R.2
In both WPs

C O M M O N O R D E R

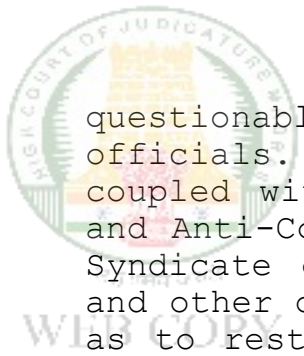
B.PUGALENDHI, J.,

The writ petition in W.P.(MD)No.23069 of 2019 is filed by one Dr.M.Rajarajan, Additional Controller of Examinations and the writ petition in W.P.(MD)No.1198 of 2020 is filed by one J.Karthigai Selvan, Computer Programmer. Both of them are working in the first respondent / Madurai Kamaraj University and based on the resolution dated 23.09.2019 passed by the Syndicate of the University, they were kept under suspension. Challenging the same, the petitioners have filed the present writ petitions.

2. It is represented that the petitioner in W.P.(MD)No.23069 of 2019 was relieved from the post on his attaining the age of superannuation, subject to the outcome of the pending proceedings and therefore, nothing survives for further adjudication in this writ petition.

3. Perusal of record shows that several complaints have been raised as against the petitioners and others with regard to the malpractices in the conduct of examinations, collection of fees, missing of answer sheets, issuance of (false) certificates, etc. In this regard, based on an confidential letter in VR.No.1216/2019/EDU/MU, dated 19.06.2019, of the Directorate of Vigilance and Anti-Corruption, Chennai, seeking prior approval to conduct a preliminary enquiry as per Section 17(A)(1) of the Prevention of Corruption (Amendment) Act, 2018, a Syndicate meeting was conducted, wherein, it was resolved to grant the prior approval, as sought for by the Directorate of Vigilance and Anti-Corruption, Chennai.

4. In the interregnum, the Vice Chancellor of the Madurai Kamaraj University has constituted a High Level Committee, headed by a retired Judge of this Court. This Committee has submitted its preliminary report on 06.09.2019, stating that a *prima facie* case of misconduct, misuse of official power, dereliction of duty with



questionable integrity has been made out as against the delinquent officials. In view of the preliminary report of the Committee, coupled with the approval granted to the Directorate of Vigilance and Anti-Corruption, Chennai, to conduct a preliminary enquiry, the Syndicate of the University has resolved to place the petitioners and other delinquent officials under suspension, pending enquiry, so as to restrain them from interfering with the process of enquiry, which was challenged herein.

5. These writ petitions are taken up for hearing along with W.P.(MD)No.8025 of 2020, on a mentioning made by the learned Senior Counsel appearing for the Madurai Kamaraj University. In the said writ petition, ie., in W.P.(MD)No.8025 of 2020, the petitioner has made a challenge to an notification issued by Tamil Nadu Public Service Commission, that false PSTM certificates are being issued by the Universities. This Court went in detail as to the alleged misconducts committed in the Universities, especially, Madurai Kamaraj University and taking note of the seriousness of the issue, by order dated 22.03.2021, issued comprehensive directions as follows:

"40. ...

(8). The Director of Vigilance and Anticorruption shall constitute a special team headed by a DSP level Officer, preferably, the seventeenth respondent herein, exclusively, for the investigation on the alleged irregularities in the conduct of examinations and issuance of false certificates, including false PSTM certificates, as discussed supra, by Madurai Kamaraj University and shall ensure that the investigation is completed in a time bound manner not more than six months from the date of receipt of a copy of this order. The investigation team is expected to submit a status report before this Court at regular intervals, preferably, by the end of three months period, in sealed cover. A copy of the final report shall also be submitted before this Court in sealed cover.

(9). After completing the investigation in Madurai Kamaraj University, the investigation team shall also extend the scope of investigation and find out any such fraud has been committed in any other Universities in Tamil Nadu.

(10). Needless to state that during the course of investigation, if the investigation team finds the commission of cognizable offence, they are expected to file the final report by including the relevant penal provisions, apart from the provisions of Prevention of Corruption Act."

6. Considering the seriousness of the issue and since a direction has already been issued by this Court entrusting the investigation to the Directorate of Vigilance and Anti Corruption, we are not inclined to interfere with the impugned suspension orders.



7. In fine,

- W.P.(MD)No.1198 of 2020 stands dismissed.
- W.P.(MD)No.23069 of 2019 stands closed, in view of the submission made by the parties that the petitioner was relieved from the post on his attaining the age of superannuation, subject to the outcome of the pending proceedings.

- There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(CS-II)

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/ /2021

Sub Assistant Registrar(CS)

gk

**W.P. (MD) Nos.23069 of 2019
& 1198 of 2020
22.03.2021**

NS (CO)

TR(09.07.2021) 4P 1C