



W.P.No.40555 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.40555 of 2015

and

M.P.Nos.1 & 2 of 2015 and W.M.P.No.403 of 2022

V.Gomathi

...Petitioner

Vs

1.The Chancellor,
The Tamil Nadu Dr.M.G.R.
Medical University,
Chennai - 32.

2.The Registrar,
The Tamil Nadu Dr.M.G.R.
Medical University,
Chennai - 32.

3.The Vice Chancellor,
The Tamil Nadu Dr.M.G.R.
Medical University,
Chennai - 32.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for records of the 3rd respondent dated 11.12.2015 in Memo No.E1(2)8970/2015 and quash the same.



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For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.Imayavaramban

ORDER

Heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioner and Mr.Imayavaramban, learned counsel appearing for the respondents.

2. The charges levelled against the petitioner, alleging that she had failed to discharge her duties of Assistant Registrar in the Examination Wing Indian Medicine, through a charge memo dated 11.12.2015 issued by the Vice Chancellor of the Tamil Nadu Dr.MGR Medical University, is put under challenge in the present Writ Petition. The petitioner herein questions the jurisdiction of the Vice Chancellor to frame charges.

3. As per the service statute 19(1)(b) of the Establishment of the Tamil Nadu Dr.MGR Medical University, an enquiry is sought to be conducted for a major penalty. The statute also prescribes the Governing Council as the authority to conduct an enquiry in connection with major penalties.



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4. The charge memo makes a reference to Resolution No.36, passed at the 240th Governing Council meeting held on 26.11.2015. A copy of the Agenda relating to Resolution No.36 is produced before this Court, which does not delegate powers to the Vice Chancellor for framing of charges or conducting disciplinary proceedings. Rather, the Resolution revolves around the grievance of the petitioner against the promotion of one Thiru.B.Srikumar. No reference is made to the charges framed by the Vice Chancellor in the Agenda or the Resolution. When the Governing Council is the authority empowered to conduct a disciplinary proceeding against the employees of the University, framing of charges by the Vice Chancellor is without jurisdiction and hence illegal. On this short ground, the charges require to be quashed.

5. In the light of the above observations, the impugned charge memo passed by the third respondent dated 11.12.2015, is quashed and the Writ Petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

29.09.2022

Index:Yes/No
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WEB COPY

To

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M.S.RAMESH,J.

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