



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.NOS.1653 AND 2480 OF 2021

AND

C.M.P.NOS.10407, 11547 AND 16009 OF 2021

The Registrar,
Bharathiar University,
Coimbatore-641 046.

.. Appellant in W.A.No.1653 of 2021

Dr.L.Senthilkumar,
Professor,
Department of Physics,
Bharathiar University,
Coimbatore-641 046.

.. Appellant in W.A.No.2480 of 2021

Vs.

1. Dr.Srinivasan

2. Dr.L.Senthilkumar,
Professor,
Department of Physics,
Bharathiar University,
Coimbatore-641 046.

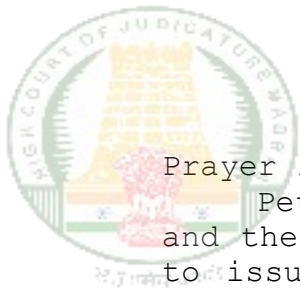
.. Respondents in W.A.No.1653 of 2021

1. The Registrar,
Bharathiar University,
Coimbatore-641 046.

2. Dr.Srinivasan

.. Respondents in W.A.No.2480 of 2021

Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 28.06.2021 passed by the learned Single Judge in W.M.P.No.14278 of 2021 in W.P.No.13416 of 2021 on the file of this Court.



Prayer in W.M.P.No.14278 of 2021:-

Petition praying that in the circumstances stated therein and the affidavit filed therewith the High Court will be pleased to issue an interim stay of the operation of the order of the 1st respondent in his proceedings No.E1/2021/8840-1 dated 18.06.2021.

Prayer in W.P.No.13416 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India, praying this court to issue Writ of Mandamus to call for the records of the 1st respondent in his proceedings No.E1/2021/8840-1 dated 18.06.2021 appointing the 2nd respondent as Head of the Department of Physics in the 1st respondent University and to quash the same as being illegal unsustainable in law and for a consequential direction to permit the petitioner to continue as the Head of the Department of Physics Bharathiar University, Coimbatore being the seniormost in the Department of Physics in the 1st respondent University.

For appellant in W.A.No.1653 of 2021 : Mr.C.Vigneswaran
For appellant in W.A.No.2480 of 2021 : Mr.T.N.Rajagopalan
For respondents in W.A.No.1653 of 2021 : Mrs.N.Kavitha Rameshwar
for R-1
Mr.T.N.Rajagopalan
for R-2

For respondents in W.A.No.2480 of 2021 : Mr.C.Vigneswaran for R-1
Mrs.N.kavitha Rameshwar
for R-2

COMMON JUDGMENT

(Common Judgment of the Court was delivered by
The Hon'ble Chief Justice)

The Writ Appeals are filed against the interim order dated 28.06.2021 passed by the learned Single Judge, whereby the stay was granted in favour of the first respondent herein in W.A.No.1653 of 2021. The said order is challenged by the respective appellants, though they had a counsel to make an application for vacating the stay order on service of notice or to contest the continuance of stay, because, notice has been issued by the learned Single Judge. In view of the above, no reason has been assigned by the respective appellants to maintain the Writ Appeals against the interim order, when they are having an opportunity to make an application to seek for vacating the stay order or to contest the continuance of the



interim order. It is more specific when the interim order was to remain in operation for a period of four weeks.

2. At this stage, the learned counsel for the appellants submitted that if the appeals are dismissed on that account, let an order be passed for early disposal of the Writ Petition itself, which is yet to be argued on merits. We find that the learned counsel for the first respondent in W.A.No.1653 of 2021 (writ petitioner) otherwise explained the merit of the writ petition filed by the petitioner and this Court was inclined to touch upon the merits of the matter, but at the request of the learned counsel for the appellants, we are refraining ourselves to touch upon the merits of the matter, as the Writ Petition is pending consideration before the learned Single Judge. They further prayed to keep the issue open for contest in the Writ Petition.

3. Accordingly, these Writ Appeals are disposed of without causing any interference in the interim order, with liberty to the appellants to contest the Writ Petition itself on all the legal grounds available to them and at the same time, if they so wish, to make an application seeking for vacating the interim order or to contest the continuance of the stay order.

4. We request the learned Single Judge that if time permits, the Writ Petition itself be heard and decided at the earliest, so that the administration in the Department of Physics in the Bharathiar University may not be affected, so also the work of the post of the Dean. No costs. Consequently, C.M.Ps. are closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

CS

To

The Registrar,
Bharathiar University,
Coimbatore-641 046.

+2ccs to M/s.N.Kavitha Rameshwar, Advocate, S.R.Nos.14452, 8428
+2ccs to Mr.T.N.Rajagopalan, Advocate, S.R.Nos.8498, 14457

W.A.Nos.1653 and 2480 of 2021

NRL (CO)
RLP (14/03/2022)