



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.17070, 17074, 17077, 17080, 17082,
17084 and 17086 of 2021
and

W.M.P.Nos.18107, 18109, 18113, 18114, 18115, 18117,
18120 and 18121 of 2021

Dr.S.Sadhasivam	... Petitioner in WP.No.17070/2021
P.Ponmurugan	... Petitioner in WP No.17074/2021
I.Prabha	... Petitioner in WP No.17077/2021
P.Janardhana Kumar Reddy	... Petitioner in WP No.17080/2021
M.Thirunavukkarasu	... Petitioner in WP No.17082/2021
T.Selvaraju	... Petitioner in WP No.17084/2021
G.Barani	... Petitioner in WP No.17086/2021

vs.

1. The Vice-Chancellor,
Bharathiyar University,
Coimbatore - 641 046.

2. The Registrar,
Bharathiyar University,
Coimbatore - 641 046.

... Respondents 1 & 2 in All cases

3. The Director,
Vigilance and Anti Corruption,
State of Tamil Nadu,
Alandur, Chennai - 600 016.

... 3rd Respondent in WP No.17084/2021

[R3-impleaded vide order dated
23.03.2022 made in WMP No.6706/2022]

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
Certiorari, calling for the records pertaining to impugned order



in Ref BU/Legal Section/2020, dated 04.03.2020, 16.03.2020, 23.03.2020, 16.03.2020, 04.03.2020, 04.03.2020, 16.03.2022 issued by the 2nd respondent and to quash the same as ultra vires.

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For Petitioner
in all W.Ps

: Mr.M.Velmurugan

For R1 and R2 in W.P.
Nos. 17070, 17074,
17077, 17080, 17082,
17084 & 17086 of 2021

: Mr.C.Vigneswaran
Standing Counsel

For R3 in W.P.No.17084
of 2021

: Mr.M.Bindran
Additional Government Pleader

C O M M O N O R D E R

These writ petitions have been filed seeking to issue a Writ of Certiorari, calling for the records pertaining to impugned orders in Ref BU/Legal Section/2020, dated 04.03.2020, 16.03.2020, 23.03.2020 issued by the 2nd respondent and to quash the same as ultra vires.

2. According to the petitioners, the petitioners have applied for the post of Associate Professors and they were found eligible for the said posts, the Bharathiar University has appointed the petitioners' as Associate Professors in the Department of Extension, Career Guidance and Students Welfare, Bharathiar University and the petitioners have placed under probation for a continuous period of two years from the date of joining on 22.11.2016 and 24.11.2016 respectively. Thereafter, the petitioners have made representations to the 2nd respondent to declare their probation as per the Act and Statutes of the Bharathiyar University. The petitioners along with other faculty members also made a similar request to the Vice-Chancellor for confirmation of their appointment based on the completion of probation period.

3. It is submitted that the respondents/University published a Circular No.E7/CAS-Jan.2020/2019/28291-1 on 11.12.2019 inviting applications from the eligible faculty members, who have declared their probation for promotion under UGC - Career Advancement Scheme as per the UGC guidelines 2010-Amendment 2016 (Ref.No.F-1-2/2016 (PS/Amendment) issued on



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11.07.2016). The said circular also specified that the faculty members those who shall become eligible within three months after the last date 30.04.2020 may also apply if he/she fulfills all the eligibility requirements under Career Advancement Scheme.

4. According to the petitioners, the petitioners are eligible for the promotion under Career Advancement Scheme. But they were not allotted with the teaching duties. Therefore, the petitioners have made request on 10.01.2020 to the 2nd respondent for considering the credentials and completion of the minimum period of probation. Despite, several representations made by the petitioners to the 2nd respondent, but the 2nd respondent has not considered the request of the petitioners. Therefore, the petitioner in W.P.No.17070 of 2021 has filed the writ petitions in W.P.No.1998 of 2020 before this Court. By an order dated 29.01.2020, this Court has granted liberty to the petitioner to make a fresh representation to the respondents along with copy of the representations dated 14.12.2018, 03.09.2019 and 09.01.2020. The petitioners in other writ petitions have also filed writ petitions before this Court and this Court has passed the similar order. Pursuant to the aforesaid order, the 2nd respondent/University has passed the impugned orders in Ref BU/Legal Section/2020, dated 04.03.2020, 16.03.2020, 23.03.2020. Challenging the same, the petitioners have filed the instant writ petitions before this Court.

5. The learned counsel appearing for the petitioners submitted that a criminal case is pending as against the erstwhile Vice Chancellor/Dr.A.Ganapathy and the other officials of the University before the Vigilance and Anti-Corruption Department. According to the petitioners, the petitioners have not been found in the said criminal case. Therefore, the impugned orders passed by the 2nd respondent are liable to be set aside.

6. While pending the writ petitions, this Court by an order dated 23.03.2022 in W.M.P.No.6706 of 2022 in W.P.No. 17084 of 2021 has impleaded the Director, Vigilance and Anti-Corruption, Chennai as party respondent in W.P.No.17084 of 2021.

7. The Additional Superintendent of Police, Vigilance and Anti-Corruption, Coimbatore has filed a status report on behalf of the 3rd respondent in W.P.No.17084 of 2021 before this Court, wherein it has been stated as follows:-

"(i) It is submitted that Tr.Suresh, Assistant Professor of Bharathiar University has preferred a complaint against Dr.A.Ganapathy, formerly Vice-Chancellor, Bharathiar University, Coimbatore,



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Dr.N.Dharmaraj, Professor, Department of Chemistry and Dr.R.Mathivanan, formerly Director, School of Distance Education, Bharathiar University, Coimbatore for the allegation in connection with the demand of illegal gratification other than legal remuneration from him and thereby, the complainant Tr.Suresh set the law into motion. After conducting a Preliminary Enquiry, a case in Cr.No.02/2018/AC/CB was registered on 01.02.2018 and a trap was organized against the above persons and the trap was materialized successfully. After the thorough investigation and getting Sanction orders from the competent authorities, the Final Report was filed against Dr.A.Ganapathy and others before the Hon'ble Special Court on 21.09.2021, wherein they were added as Accused Nos.1,2 and 3 and also Tmt.G.Swarnalatha @ Latha Ganapathy, W/o.Dr.Ganapathy was arrayed as Accused No.4 for the act of disappearing the bribe money in order to save her husband from the legal punishment and for the act of causing disappearance of evidence. After applying judicial mind, the Hon'ble Special Judge took the case on file and assigned the Spl.C.C.No.01/2021. After the appearance of the above accused in Spl.C.C.No.01/2021, the copies of case records were furnished and the charges were framed against them. Now, the case stands pending for the examination of prosecution side witnesses. It is pertinent to note that the criminal proceedings initiated in Spl.C.C.No.01/2021 is in connection with the trap, the above petitioner Dr.T.Selvaraju was neither examined by the IO nor cited his name as witness in the list of witnesses.

(ii) It is submitted that as per the Government in their letter No.19766/H2/2016, Higher Education (H2) Department, dated 24.04.2017 have forwarded the News items appeared in 'Dinamalar' dated 16.11.2016 together with its enclosures and directed the Directorate of Vigilance and Anti Corruption to conduct Detailed Enquiry against Dr.A.Ganapathy, formerly Vice Chancellor, Bharathiar University Coimbatore and other staff of the University into the allegation of irregularities committed in the entire process of recruitment of Professors, Associate Professors and Assistant Professors of the Bharathiar University during the period of June 2016 to November 2016. Accordingly, the Detailed Enquiry DE 3/2017/EDN/HQ was registered on 15.05.2017 by DSP, Vigilance and Anti Corruption, Tiruppur and taken up for enquiry. During the period between June 2016 and November 2016, the Vice Chancellor Dr.A.Ganapathy abusing his official position, conspired with his subordinates (A-2 to A-7) who were acting as middlemen, committed several irregularities,



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malpractices and also demanded bribe at the range from 15 lakhs to 60 lakhs from the applicants for posting them as Assistant Professors, Associate Professors and Professor for the various departments of Bharathiar University, Coimbatore. On the outcome of the enquiry, a FIR in Coimbatore V&AC Cr.No.16/2021AC/CB was registered on 04.08.2021 by the then DSP, V&AC, Tiruppur and handed over the case files to the ADSP, V&AC, Coimbatore for investigation.

(iii) It is submitted that the Petitioner Dr.T.Selvaraju was one of the Associate Professor selected in the said appointments made during the period of June 2016 to November 2016 at Bharathiar University. In the process of the investigation, as much as 94 witnesses were examined and 520 documents were collected. The investigation of the case is in the premature stage.

Therefore, it is humbly submitted that a case narrated in Para No.11 of the petition (Cr.No.02/2018/AC/CB dated 01.02.2018) stands pending for the examination of prosecution witnesses before the Hon'ble Special Court for cases under the Prevention of Corruption Act in Spl.C.C.No.01/2021. Similarly, the case in Cr.No.16/2021/AC/CB stands pending for investigation by the Vigilance and Anti-Corruption, Coimbatore."

8. On perusal of the aforesaid status report revealed that the investigation of the said criminal case is in the premature stage and it requires three months time to communicate about the involvement of the petitioners in the aforesaid criminal case in Crime No.16/2021/AC/CB to the respondents/University.

9. Accepting the said request made by the Additional Superintendent of Police, Vigilance and Anti-Corruption, Coimbatore, this Court is inclined to pass orders as follows:-

- (i) The Additional Superintendent of Police, Vigilance and Anti-Corruption, Coimbatore is directed to give the individual report of the petitioners whether being involved in the aforesaid criminal case in Crime No.16/2021/AC/CB to the 2nd respondent/University within a period of twelve weeks from the date of receipt of a copy of this order.
- (ii) Based on the said individual report received from the Additional Superintendent of Police, Vigilance and Anti-Corruption, Coimbatore, the 2nd respondent is directed to consider the case to case basis and to take appropriate decision in accordance with law and same shall be communicated to the petitioners, without any further delay.



10. With the above directions, the writ petitions are disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Vice-Chancellor,
Bharathiyar University,
Coimbatore - 641 046.
2. The Registrar,
Bharathiyar University,
Coimbatore - 641 046.
3. The Director,
Vigilance and Anti Corruption,
State of Tamil Nadu,
Alandur, Chennai - 600 016.

Copy to:

The Additional Superintendent of Police,
Vigilance and Anti Corruption,
Coimbatore.

W.P.Nos.17070, 17074, 17077, 17080,
17082, 17084 and 17086 of 2021

BR(CO)
SU(26/04/2022)