



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.3.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.14898 of 2020
W.M.P.No.18492 & 18493 of 2020 &
W.M.P.No.8355 of 2021

- 1 Dr.V.Kavida ... Petitioner
Vs.
1 Pondicherry University
Rep by Its Registrar,Puducherry
2 Assistant Registrar (Establishment),
Pondicherry University,
Puducherry.
3 Dr.D.lazar
Prof. And Head Department Of Commerce,
School of Management, Pondicherry University
Puducherry. ... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records relating to the office order No.610 of the 2nd respondent herein in his proceedings NO. PU/ Estt.(T)/ET2/ 20-21/1305 DATED 08.10.2020 and quash the same and consequently direct the 1st respondent not to transfer the petitioner from the main campus of the respondent University as per the Executive Council Resolution No. 2017. 126.144 dated 31.08.2017

For Petitioner : Mr.V.Vijayshankar
For Respondents : Mr.M.Ravi, Standing Counsel

O R D E R

According to the petitioner, the petitioner was appointed as Reader under the respondent University and posted at Karaikal Campus, Puducherry University. The petitioner underwent major surgery and therefore, she made a request to transfer her to Puducherry Main Campus on account of surgery and other health issues. Accepting her request, the petitioner was transferred to Puducherry. Again, the petitioner was transferred to Karaikal Campus. Again, the petitioner made request for permanent transfer to Puducherry University main Campus. The



said request was placed before the Executive Council meeting held on 31.8.2017. Accepting the request of the petitioner, the Executive Council passed resolution for permanently transferring the petitioner to Puducherry University Main Campus.

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2. According to the petitioner, suddenly, the first respondent's issued order on 20.10.2017 stating that the earlier order, dated 20.10.2017 was kept in abeyance. In the aforesaid background, again, the petitioner was transferred to Karaikkal Campus on 18.10.2020. The said order is impugned in the present writ petition.

3. The learned counsel appearing for the petitioner would submit that the Registrar, first respondent is not a competent authority to pass such order and therefore, the impugned order cancelling the earlier order passed by the same authority following the resolution passed by the Executive Council is liable to be set aside. The impugned order is also challenged on various grounds.

4. The learned Standing counsel appearing for the Puducherry University would submit that the petitioner has challenged the impugned order, dated 8.10.2020. The said order is only consequential order passed by the first respondent on 28.12.2017 and 6.7.2020 that was not challenged in the present writ petition. The learned Standing counsel appearing for the petitioner would submit that the Ministry of Human Resource Development has sent a communication to the first respondent by its letter, dated 30.8.2018. Based on the aforesaid letter, the first respondent passed an order cancelling the earlier order passed by the first respondent and the petitioner shall continue in the said post as temporary Professor in the University until further orders from the competent authority. Those orders are not under challenge in the present writ petition.

5. Heard the rival submissions of the parties and perused the materials available on record.

6. On perusal of the order, dated 28.12.2017, the first respondent passed an order following the instructions issued by MHRD on 30.8.2017 cancelling the earlier order permanently transferring the petitioner to Puducherry University Main Campus and continue in the said post as temporary Professor until further orders from the competent authority. The order passed by the first respondent disclose that the said order is not final order and the petitioner can continue in the Pondicherry University Main Campus temporarily until further orders from the competent authority.

7. The whole issue revolves around the instructions issued



by the MHRD by its letter, dated 30.8.2017. However, the said letter is not placed before this Court. It was referred to in the order passed by the first respondent, dated 28.12.2017. The Executive Council Committee meeting held on 31.8.2017, ratified the request made by the petitioner for permanent transfer to Puducherry University Main Campus. However, the aforesaid letter sent by the MHRD has not been placed before the Executive Council meeting held on 31.8.2017. Therefore, the petitioner questioned the power of the Registrar in passing the order without getting any ratification from the Executive Council in the writ petition. However, said order has not been challenged.

8. Therefore, quietus to the entire issue, it was agreed by the counsel appearing for both sides, as per the instructions of the MHRD, regular Vice Chancellor is now acting in the Puducherry University. Therefore, all these papers will be placed before the Executive Council meeting for taking appropriate decision on the request made by the petitioner.

9. In view of the above, the first respondent is directed to place the request made by the petitioner along with earlier resolution passed by the Executive Council meeting and the instructions issued by the MHRD before the Executive Council meeting as soon as the meeting was convened. Till such time, the petitioner will not be disturbed from the present place.

10. Accordingly, the writ petition stands disposed of with the above directions. No Costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1 The Registrar, Pondicherry University, Puducherry.

2 Assistant Registrar (Establishment),
Pondicherry University, Puducherry.

+1cc to Mr.V.Vijayshankar, Advocate, S.R.No.16885

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RSI (CO)

CT 15/03/2022