



WP(MD)No.19642 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.08.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.19642 of 2022
and
W.M.P(MD)No.14353 of 2022

S.Ayyanar

... Petitioner

/vs./

- 1.The Secretary,
Department of Higher Education,
Government of India,
127-C, Shastri Bhavan,
New Delhi-110001.
- 2.The Joint Secretary,
Department of Higher Education,
Government of India,
107-C, Shastri Bhavan,
New Delhi-110 001.
- 3.The Secretary,
University Grants Commission,
Ministry of Human Resource Development,
Government of India,
Bahadur Shah, Zafar Marg, New Delhi-110002.
- 4.The Director General,
Indian Council of Agriculture Research,
Krishi Bhawan,
New Delhi-110001.



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5.The Kalasalingam University,
Rep., by its Vice Chancellor,
Anand Nagar, Krishnan Koil,
Srivilliputhur Taluk,
Virudhunagar District,
Tamil Nadu State.

6.Vasudevan

7.Sasi Anand

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 4 to take appropriate action against the respondents 5 to 7 for their atrocities levelled against him and pay compensation for the illegal retention of the petitioner's original certificates in the light of the proceedings of the third respondent in F.No.14-12/2019(CPP-II), dated 11.08.2020 and based on the petitioner's representation dated 21.07.2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Mohanasundaram

For Respondents : Mr.S.Shaji Bino (For R1 & R2)

Special Government Pleader

Mr.V.S.Karthi

Central Government Standing Counsel (For R3 & R4)



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ORDER

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By consent of both the parties, this Writ Petition is taken up for final disposal.

2.The petitioner herein seeks for a direction to the official respondents to initiate departmental proceedings against the respondents 5 to 7 herein.

3.The disciplinary action against an employee is taken by the disciplinary authority, for certain delinquencies, which are construed to be misconducts on the part of the employee. It is for the disciplinary authority to decide whether the alleged delinquencies on the part of the employee would constitute a misconduct or not.

4.Thus, whenever a complaint is made to the disciplinary authority alleging commission of certain misconducts, it is for the disciplinary authority to take a decision of such allegations and this Court, exercising its powers under Article 226 of the Constitution of India, may not be justified in coming to a conclusion that such allegations constitute a misconduct and thereby, order for departmental action against the employee.



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5. Though the petitioner herein claims to be a staff of the same College, he can at the most, set forth his grievances against the alleged misdoers in his complaint and thereafter, further course of proceedings would be between the disciplinary authority and the concerned employees. This aspect has been stressed upon by the Hon'ble Supreme Court, in the case of **Rajnit Prasad vs. Union of India and others** reported in **2000 (9) SCC 313**.

6. In the instant case, the petitioner herein has also made a complaint to the respondents 1 to 4, against the respondents 5 to 7 herein. The consequential decision on the petitioner's complaint requires to be taken by the respondents 1 to 4 and therefore, directing them to initiate action against the respondents 5 to 7 herein, which includes the Vice Chancellor of the University would not be permissible, since it would amount to stepping into the shoes of the official respondents in this regard. Thus, I do not find any merit in the present writ petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

25.08.2022

Index : Yes / No
Internet : Yes / No



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107-C, Shasthri Bhavan,
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M.S.RAMESH, J.

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Order made in
W.P.(MD)No.19642 of 2022

Dated:
25.08.2022