



WEB COPY

W.P.No.811 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.811 of 2023 &
W.M.P.No.765 of 2023**

Dr.A.Manimekalan

... Petitioner

VS.

1 The Registrar
Bharathiar University Coimbatore-641 046.

2 Dr.P.Siddhuraju

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus to direct the 1st respondent to permit the petitioner to rejoin or take charge as Head of the Department of Environmental Sciences in the 1st respondent university as per the order of the 1st respondent dated 13.01.2021.

For Petitioner

: Mr.N.Kavitha Rameshwar

For Respondent 1

: Mr.C.Vigneshwaran,
Standing Counsel,
Assisted by
Mr.P.Vasantha Kumar



ORDER

WEB COPY

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to permit the petitioner to rejoin or take charge as Head of the Department of Environmental Sciences in the first respondent university as per the order of the first respondent dated 13.01.2021.

2. Heard Ms.N.Kavitha Rameshwar, learned counsel for the petitioner and Mr.C.Vigneshwaran, learned standing counsel assisted by Mr.Vasanthakumar, learned counsel for the first respondent. Since no adverse orders are going to be passed against the second respondent, notice to the second respondent is dispensed with by this Court.

3. The grievance of the petitioner in this writ petition is that he is eligible to be once again appointed as the Head of the Department in the Department of Environmental Sciences in the first respondent University for the reason that the petitioner was earlier appointed as the Head of the Department in the Department of Environmental Sciences in Bharathiar



University on 13.01.2021. Thereafter, the petitioner had requested the first respondent University to relieve him for a short period, due to personal reasons. The first respondent University has also accepted the said request and relieved the petitioner as the Head of the Department. The petitioner after sorting out his personal problems has now requested the first respondent University to once again post him as the Head of the Department in the Department of Environmental Sciences. However, according to the petitioner, the said request has not been acceded to by the first respondent University till date.

4. Learned Standing Counsel appearing for the first respondent University would submit that only due to the fact that the second respondent who is presently posted as the Head of the Department in the Department of Environmental Sciences, is senior to the petitioner, the petitioner's request has not been considered till date. However, learned counsel for the petitioner would submit that the second respondent may not be inclined to continue as the Head of the Department in the Department of Environmental Sciences in the respondent University and therefore, the petitioner must be appointed as the Head of the Department in his place.



5. No prejudice would be caused to the respondents, if the petitioner's representation seeking for posting him as the Head of the Department in the Department of Environmental Sciences in the first respondent University is considered on merits and in accordance with law, after hearing both the petitioner as well as the second respondent.

6. For the foregoing reasons, this Court without expressing any opinion on the merit of the petitioner's claim, directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 12.09.2022 seeking for posting him as the Head of the Department after affording a fair hearing to the petitioner as well as the second respondent, within a period of four weeks from the date of receipt of a copy of this Order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

12.01.2023

nl

Index: Yes/No

Internet: Yes/No

Speaking/Non-speaking orders

Neutral citation: Yes/No



WEB COPY

To

- 1 The Registrar
Bharathiar University Coimbatore-641 046.

W.P.No.811 of 2





WEB COPY

W.P.No.811 of 2



ABDUL QUDDHOSE, J.

nl

W.P.No.811 of 2023

12.01.2023