



W.P.No.25465 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.25465 of 2023

and

W.M.P.No.24856 of 2023

Dr.P.V.Bose

... Petitioner

Vs.

1.The Vice Chairman-cum-
Secretary to Government (Art & Culture)
Government of Puducherry,
Puducherry.

2.The Member Secretary,
Bharathiar Palkalaikoodam,
Cuddalore Main Road, Ariyankuppam,
Puducherry.

3.The Registrar,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry – 605 014.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the 1st Respondent by proceedings in 2494/ Secy / (A and C) / 2023- 24 dated 09.08.2023 and quash the same.



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For Petitioner : Mr.P.Saravana Sowmiyan
For Respondents : Mr.R.Syed Mustafa
Special Government Pleader
(Pondicherry)

ORDER

This writ petition has been filed challenging the charge-memo issued by the 1st respondent, dated 09.08.2023, for not taking classes for the last two years as per the UGC Norms.

2.It is the case of the petitioner that he is working as Assistant Professor in the respondent College for the past 26 years without any promotion. The petitioner was given additional charge of the post of Principal of the College vide order of the 1st respondent dated 22.09.2021 and the petitioner is performing his duties as Principal for the past one year. While so, the 1st respondent has issued the impugned charge memo dated 09.08.2023 against the petitioner for not taking classes for the last two years as per the UGC Norms. Challenging the same, the present writ petition has been filed.



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3. On a perusal of the impugned charge memo, the charge framed against the petitioner is as follows :

“Dr. P.V.Bose, Assistant Professor, Bharathiar Palkalaikoodam, Puducherry has been assigned In-charge of Principal of the Institution in addition to his normal duties vide Order No.A2/BPK/Principal(i/c)/2021/377 dt. 22.09.2021 of the O/o the Secretary (Art & Culture), Puducherry. The regular charge of Dr. P.V.Bose, being Assistant Professor in Music, he is supposed to give 16 hours of direct teaching per week to the students as per the UGC norms. However, after took charges of the Principal in-charge, Bharathiar Palkalaikoodam, Dr. P.V.Bose, Assistant Professor has not taken mandatory hours of classes to the students of Department of Music regularly as per the UGC norms during the Academic Year 2021-22 and has not taken any classes at all during the Academic Year 2022-23. Dr. P.V.Bose, Assistant Professor, has been relieved of his additional duty of Principal in-charge vide Order No. 2494/Secy(A&C)/2023-24 (i) dt.27.07.2023 of the O/o the Secretary (Art & Culture). The act of non-handling of mandatory hours of classes during the academic year 2021-22 and non-handling of classes at all during the academic year of 2022-23 as per the norms of the UGC by Dr. P.V.Bose, Assistant Professor (Music) amounts to misconduct and thereby violated the provisions of Rule-3 of



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CCS (Conduct) Rule, 1964.”

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4.The main ground on which the charge-memo is challenged is that the 1st respondent is not the competent authority to initiate disciplinary proceedings and it is only the Governing Body which has powers to initiate disciplinary proceedings.

5.I have perused the entire materials available on record. Though the Minutes of the XX Governing Body Meeting of Bharathiar Palkalaikoodam, Pondicherry, held on 23.08.2002, annexed in the Typed Set of Papers, indicates that the Governing Body will be the Appointing Authority for all posts in the Institution, the fact remains that the 1st respondent is the Appellate Authority even as per the said Minutes of the Meeting relied upon by the learned counsel for the petitioner. When the Appellate Authority himself, who is the higher authority to the Disciplinary Authority, has issued the charge memo, this Court is of the view that the charge memo cannot be challenged merely on the basis of jurisdiction. Since the charge memo has been issued by the higher authority, the petitioner can redress his grievance before the Reviewing Authority if any adverse orders are passed by the higher authority.



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However, at this stage, the very charge-memo itself cannot be interfered with.

6. Therefore, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2023
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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

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Government of Puducherry,
Puducherry.
2. The Member Secretary,
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N. SATHISH KUMAR, J.
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