



W.P.No.26151 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.01.2023

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.No.26151 of 2022

and

W.M.P. Nos.25240 and 25241 of 2022

Dr.S.Appavu alias Balamurugan

.. Petitioner

vs

1.All India Council for Technical Education
rep. By the Chairman,
Nelson Mandela Marg, Vasant Kunj,
New Delhi – 110 070.

2.The Vice Chancellor,
Central University of Tamil Nadu,
Neelakudi, Thiruvarur – 610 005.

3.The Joint Registrar,
Central University of Tamil Nadu,
Neelakudi, Thiruvarur – 610 005.

4.The Secretary and Correspondent,
K.L.N. College of Information Technology,
Nedungulam Road,
Pottapalayam – 630 612
Sivagangai District, Tamil Nadu.

..

Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus to call for the



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records in F.No.10-34/2022-ESTT/2760 dated 19.09.2022 on the file of the Central University of Tamil Nadu at Tiruvarur and quash the same as illegal, arbitrary and against the principles of natural justice and direct the second and third respondents to reinstate the petitioner in the post of Associate Professor, Department of Computer Science at Central University of Tamil Nadu, Thiruvarur.

For Petitioners	:	Mr.A.Thiyagarajan, Sr. Counsel for Mr.D.Veerasekaran
For Respondents	:	Mr.B.Rabu Manohar, Standing Counsel for R1 Ms.V.Sudha, Standing Counsel for R2 & R3 Mr.P.M.Subramaniam for R4

ORDER

The petitioner is aggrieved by the impugned order dated 19.09.202 issued by the third respondent, terminating his services as a Professor of Information Technology in the second respondent University. The service of the petitioner has been terminated on the ground that the appointment order and the relieving order produced by him from the fourth respondent college where he was earlier working are not genuine ones. The original authority viz., the third



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respondent has issued the termination order which was challenged before the second respondent, who has also confirmed the findings of the third respondent and both the impugned orders are subject matter of challenge in this writ petition.

2. The petitioner categorically contends that the appointment order and relieving order produced by him while seeking employment in the second respondent university as a professor are genuine ones and according to him, without informing the petitioner, the third respondent had sought information from the fourth respondent discreetly as to the genuineness of the appointment order and the relieving order issued by the fourth respondent in favour of the petitioner. According to the petitioner, principles of natural justice have been violated. According to him, arbitrarily and illegally, by violating the principles of natural justice, based on the documents received by the third respondent from the fourth respondent, the petitioner has been terminated from service.

3. A Counter affidavit has been filed by the second respondent and third respondent denying the contentions of the petitioner. According to them, after they had received the documents



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from the fourth respondent, the petitioner was put on notice and was requested to submit an explanation. He was also suspended from service. Only after the petitioner failed to give a proper explanation, the third respondent had terminated the services of the petitioner in the second respondent university viz., Central University of Tamil Nadu. Thereafter, the second respondent has also confirmed the findings of the third respondent. According to the second and third respondents, only following the due procedure established under law, the services of the petitioner was terminated on the ground that he had submitted fake documents for the purpose of getting employment as a professor in the second respondent university.

4. The fourth respondent college has also filed a counter affidavit. The petitioner had earlier worked in the fourth respondent college and only thereafter he got employment in the second respondent university. The fourth respondent college admits that the petitioner was in employment but the appointment order and the relieving order produced by the petitioner to the second respondent university while seeking employment are not the same as to the ones issued by the fourth respondent to the petitioner. According to them, the appointment order dated 04.05.2012 as well as relieving order



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dated 26.06.2018 are not genuine ones.

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5. Learned senior counsel appearing for the petitioner would submit that despite a request having been made to examine the fourth respondent college before the authorities, who had issued the termination order, the petitioner was not granted any opportunity to examine the fourth respondent as a witness. He would also submit that the petitioner was not put on notice about the discreet enquiry made by the third respondent with regard to the genuineness of the appointment order and relieving order submitted by the petitioner with the second respondent university while seeking employment as a professor there. Therefore, according to him, principles of natural justice has been violated. He would also categorically contend, based on the petitioner's contentions in the affidavit filed in support of this writ petition, that the documents produced by the petitioner are genuine ones.

6. Learned standing counsel appearing for the second and third respondents would reiterate the contentions in the counter affidavit and would submit that the documents produced by the petitioner for seeking employment in the second respondent



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university are fake and they came to know about the same only after ascertaining the same from the fourth respondent college where the petitioner was earlier employed prior to getting employment in the second respondent university.

7. Learned counsel appearing for the fourth respondent college would also rely upon the documents filed by the fourth respondent before this Court and would submit that though the petitioner was employed with the fourth respondent college earlier, the appointment order and the relieving order submitted by the petitioner with the second respondent university are not the same as the ones which were issued to him by the fourth respondent college when he was relieved from service. According to him, the appointment order issued by the fourth respondent college in favour of the petitioner is dated 22.05.2012 and the relieving order is dated 26.06.2018. He would also submit that the appointment order issued in favour of the petitioner makes it clear that he was appointed only as a professor of Electronics and Communication Engineering whereas the appointment order dated 04.05.2012 produced by the petitioner with the second respondent university discloses that he was appointed as professor in the Department of Information Technology.



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Similarly, he would point out that in the relieving order, the fourth respondent has disclosed that the petitioner was working from 22.05.2012 to 18.08.2013 in the Electronics and Communication Engineering Department and from 19.08.2013 to 27.06.2018 in the Information Technology Department, whereas the relieving order produced by the petitioner with the second respondent university discloses that the petitioner was working only in the Information Technology Department.

8. This Court, after giving due consideration to the aforementioned submissions made by the respective counsels, is of the considered view that being a case of employment and that too when the services of the petitioner has been terminated only on the ground that he has produced fake documents for seeking employment as a professor and that too when the fourth respondent college admits that he was in their employment, feels it expedient in the interest of justice that an opportunity to examine the witness of the fourth respondent college should be given to the petitioner before the third respondent. However, this Court, considering the aforesaid submissions made by the respective counsel and considering the documents available on record, is not inclined to quash the impugned



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orders. The only limited relief that can be granted to the petitioner is to permit him to examine the authorised representative of the fourth respondent college as a witness and also permit him to cross examine him / her as to whether the orders passed by the authorities below are correct or not. However, it is made clear that as and when the authorised representative of the fourth respondent college presents himself/herself before the third respondent for examination as a witness, the petitioner must be ready and willing to cross-examine him/her on that date without fail and no further adjournment can be sought for by the petitioner for cross-examining the fourth respondent's authorised representative with regard to the genuineness of the documents.

9. For the foregoing reasons, this writ petition stands disposed of by directing the fourth respondent's authorised representative to present himself/herself before the third respondent in the first week of February 2023 after third respondent gives prior notice to the fourth respondent as well as the petitioner. On the date of the said examination of the witness, the authorised representative of the fourth respondent college shall appear before the third respondent, the petitioner shall also cross-examine him/her on the



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very same day with regard to the genuineness of the appointment order as well as the relieving order without fail and no further adjournment can be sought for by the petitioner for such cross-examination. However, it is made clear that the directions issued by this Court in this order is only to reconsider the impugned orders in the light of the categorical assertion made by the petitioner that the said documents are genuine ones and therefore at this stage, this Court cannot quash the impugned orders and can only issue the aforementioned direction.

10. With the aforesaid direction, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

05.01.2023

Index:Yes/No
Neutral Citation:Yes/No
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To

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All India Council for Technical Education,
Nelson Mandela Marg, Vasant Kunj,
New Delhi – 110 070.

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Central University of Tamil Nadu,
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