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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.11.2023

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THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

WP No.10603 of 2017
and WMP No. 11539 of 2017

Mr.Anand Lenin Vethanayagam
No.1/138, Panavalli Chatram,
Sankaran Koil Taluk,
Tirunelveli District.

..Petitioner

Vs.

The Registrar,
Pondicherry university,
Puducherry

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the respondent in Ref.No.PU/ESTT(T)/ET3/2012-13/69 dated 02.05.2012 and Ref. No.PU/ESTT(T)ET3/2012-13 dated 14.05.2012 and quash the same and direct the respondent to allow the petitioner to join as Reader (now Associate Professor) in the Department of mass Communication, School of Media and Communication, Pondicherry university and confer all the consequential benefits.

For Petitioner	: Mr.B.Balavijayan for M/s.C.S.Associates
For Respondent	: Mr.M.Ravi Standing counsel

**ORDER**

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This writ petition has been filed challenging the order passed by the respondent in Ref.No.PU/ESTT(T)/ET3/2012-13/69 dated 02.05.2012 and Ref. No.PU/ESTT(T)/ET3/2012-13 dated 14.05.2012 and for a consequential direction to the respondent to allow the petitioner to join as Reader (now Associate Professor) in the Department of Mass Communication, School of Media and communication, Pondicherry University and confer all consequential benefits.

2. The case of the petitioner is that the petitioner was appointed as a Reader in the Department of Mass communication, school of Media and Communication, on the basis of the recommendation of the Selection Committee of the University. In accordance with the terms and conditions stipulated in the order of appointment, he was placed on probation for a period of one year from the date of appointment. The petitioner joined duty on 03.08.2010. Therefore, his initial period of probation was to expire on 02.08.2011. When the petitioner was rendering his service as a probationer, a complaint was received by the University that he had plagiarized from a book titled “Mass Communication of India” authored



by one Sri Kaval J Kumar and from several other sources in a book said to have been authored by him under the title “Fundamental of Mass communication”. Therefore, by letter dated 07.03.2011, the university sought for an explanation from the petitioner on the said allegation and also called upon him to provide soft copies of all the books claimed to have been authored by him. The petitioner submitted a reply dated 14.03.2011, denying all the allegation But, he did not send soft copies of his books. Therefore, by a further letter dated 29.03.2011, the petitioner was asked to produce one printed copy of his book. The petitioner requested time up to 15.04.2011. Though the petitioner did not submit a printed copy of the book, some students allegedly submitted a photocopy of the text book. Therefore, the matter was placed before the 107th meeting of the Executive council on 24.03.2011. On the basis of the report of the committee, a show cause notice was issued to the petitioner dated 09.05.2011. Challenging the said notification, the petitioner filed writ petition before this Court in WP No.15555 of 2011 and this Court vide order dated 15.03.2012 had allowed the writ petition and set-aside the impugned order and directed the respondent to reinstate the



petitioner into service as a probationer. Liberty is also granted to respondent to extend the period of probation of the petitioner and also to initiate appropriate disciplinary action, if they desire.

3. Pursuant to the above, the respondent passed an order of reinstatement and suspension on 02.05.2012. While that being so, the respondent had once again passed an order on 14.05.2012 terminating the service of the petitioner. Challenging the same, the present writ petition has been filed before this Court.

4. When the matter came up for admission on 27.04.2017, this Court has passed the following interim order :-

It is seen that the petitioner has filed a writ petition in WP No.15555 of 2011 challenging the correctness of the order of termination dated 27.05.2011. This Court, by an order dated 15.03.2012, while allowing the writ petition, has set aside the order of termination with a specific direction to the respondent to re-instate the petitioner as probationer



and granted liberty to the respondent to extend the period of probation of the petitioner and also initiate appropriate disciplinary action, if they desire. Pursuant thereto, on 02.05.2012, an office order was issued to the petitioner, stating as under :-

“He is accordingly directed to report for duty on or before 09.05.2012. If he does not join by stipulated date, this order of reinstatement will be treated as cancelled and no further communication will be entertained in this regard.

Further as per the liberty given in the judgement to initiate appropriate disciplinary action on his reinstatement in service, it is contemplated to initiate disciplinary action for his acts of serious misconduct involving moral turpitude and willful suppression or information pertaining to his publications.

Now, therefore, on his reporting for duty as Reader in the University, the Vice Chancellor, in exercise of power under statute 26(1) and Rule 5(1) (a) of the Administrative



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ordinances governing the control and appeal of the employee of the University, places the said Dr.S.Anand Lenin Vethanayagam, Department of mass Communication under suspension with effect from the date of his reporting for duty. During the period of suspension, he will be entitled to all monetary benefits as permissible under the Rules.

2. Placing on record the 115th meeting of the Executive council held on 15.05.2013, learned counsel for the respondent submitted that as the petitioner failed to respond to the said office order dated 02.05.2012, his service was terminated.

3. Post the matter in the second week of June 2017 for filing counter. The respondent is directed to re-instate the petitioner in service.

5. The learned counsel for the petitioner submitted that pursuant to the interim order passed by this Court, the petitioner has been



reinstated into service on 23.06.2017 itself and that the relief as sought for by the petitioner has been partly granted by the respondent and therefore, prays this Court to give a direction to the respondent to grant all consequential benefits to the petitioner from the year 2010 onwards.

6. In view of the fact that the relief sought for in this writ petition has been partly granted by the respondent, there shall be a direction to the respondent University to consider the case of the petitioner and grant all consequential benefits from the year 2010 onwards, if he is entitled to and pass orders within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

15.11.2023

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V.BHAVANI SUBBAROYAN.,J
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To
The Registrar,
Pondicherry university,
Puducherry

WP.No.10603 of 2017

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