



WEB COPY



W.P.No.30685 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.30685 of 2022 and
W.M.P.No.30122 of 2022

Dr.M.Selvarani

... Petitioner

Versus

1.The Registrar,
SRM Institute of Science and Technology,
Vendhar Nagar,
Baburayanpettai,
Acharapakkam,
Chengalpattu District.

2.The Dean,
SRM College of Agricultural Sciences,
SRM Institute of Science and Technology,
Vendhar Nagar,
Baburayanpettai,
Acharapakkam,
Chengalpattu District.

3.SRM University,
SRM Institute of Science and Technology,
Kattankulathur, Chengalpattu District.

4.The University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or



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Order or Direction of like nature calling for the records pertaining to the impugned order dated 22.10.2022 bearing No.SRMIST/Reg./Faculty. Tap. 11245 – Estt/2022/4094 passed by the 1st respondent herein that is the Registrar SRM Institute of Science and Technology and consequently direct the respondents herein to reinstate the petitioner with all salary as per the UGC norms from August 2020.

For Petitioner	:	Mr.S.Ruban Prabu
For R1 & R2	:	Mrs.B.Saraswathi
For R3	:	No Appearance
For R4	:	Mrs.V.Sudha

ORDER

This Writ Petition has been filed challenging the impugned order, dated 22.10.2022 bearing No.SRMIST/Reg./Faculty.Tap.11245– Estt/2022/4094 passed by the 1st respondent wherein petitioner has been given relieving order from service on 24.11.2022.

2.The case of the Writ Petitioner is that she was appointed as Assistant Professor in the 3rd respondent University on 08.08.2019 and her service was regularized on 07.08.2020, vide letter dated 21.10.2021. Thereafter, the impugned order, dated 22.10.2022 has been passed relieving the petitioner from service. Though several grounds have been raised in the Writ Petition challenging the relieving order, in the counter it is the contention of the respondents 1 and 2 that the complaint dated 23.08.2022



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and earlier complaints have been received from the staffs, Dean etc., against the petitioner for misconduct, unwarranted behaviour, dereliction of duty and insubordination of seniors in the department. In this regard, an enquiry committee was constituted on 29.08.2022 and the petitioner appeared for enquiry on 09.09.2022 and 19.09.2022. After completion of enquiry, the committee submitted a report on 17.10.2022, based on which, the impugned order, dated 22.10.2022 was passed.

3. At the outset, this Court is of the view that the very impugned order passed by the 1st respondent relieving the petitioner from service merely on the basis of the enquiry committee report, dated 17.10.2022 is nothing but clear violation of Principle of Natural Justice. When the impugned order relieving the petitioner does not find any reason whatsoever, no new grounds can be introduced in the counter.

4. Be that as it may, even if any misconduct on the part of the petitioner, the proper way to take action is, to conduct disciplinary proceedings by giving proper notice and also following the Principle of Natural Justice. Without doing the same, the impugned order is passed



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merely on the basis of one of the conditions in the appointment letter to the effect that in case, the administration is not satisfied with her performance, one month notice will be given to her before terminating her services in this University and resignation in the middle of the Academic year will not be permitted. Now the stand of the respondents to the effect that only on misconduct the petitioner has been relieved from service. Without establishing the same in department proceedings, the petitioner cannot be relieved from the service.

5.In such view of the matter, the impugned order, dated 22.10.2022 bearing No.SRMIST/Reg./Faculty.Tap.11245– Estt/2022/4094 passed by the 1st respondent is hereby quashed. Accordingly, this Writ Petition is allowed. If at all any complaint is pending, it is well open to the respondents to conduct enquiry as per law. Consequently, the connected Miscellaneous Petition is closed. No costs.

19.07.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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N.SATHISH KUMAR, J.
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