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W.P.No.34871 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34871 of 2022
and
W.M.P.Nos.34287 and 34289 of 2022

Dr.D.Gopi

... Petitioner

Vs.

1.The Vice Chancellor,
Periyar University,
Periyar Palkalai Nagar,
Salem District - 636 011.

2.The Registrar (FAC),
Periyar University,
Periyar Palkalai Nagar,
Salem District - 636 011.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the Vice Chancellor, Periyar University, Palkalai Nagar, Salem - 636 011, the 1st respondent herein vide his proceedings in PU/R/Estt/R5/22F546209/2022 dated 26.07.2022 and the order passed by the Registrar (FAC), Periyar University, Palkalai Nagar, Salem District - 636 011, the second respondent herein vide his Letter No.:PU/R/Estt.R5/024158/22F546209/2022 dated



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12.12.2022 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice thereby direct the respondent herein to reinstate the petitioner into service with all consequential monetary and service benefits.

For Petitioner : Mr.V.Lakshmi Narayanan
Senior Counsel
for Mr.E.Kannadasan

For Respondents : Mr.Godson Swaminath
Standing Counsel
for M/s.Isaac Chambers

ORDER

The petitioner has challenged the impugned order dated 26.07.2022 passed by the first respondent, rejecting the petitioner's request for revocation of his suspension.

2. The impugned order was passed pursuant to the directions given by this Court on 24.11.2022 in W.P.No.31291 of 2022. By the aforesaid order, this Court had directed the only respondent therein viz., the Vice Chancellor of the Periyar University to consider the petitioner's representation, seeking for revocation of his suspension dated 26.07.2022 within a period of four weeks from the date of receipt of the representation from the petitioner,



seeking for revocation of his suspension order dated 26.07.2022.

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3. The petitioner has challenged the suspension order dated 26.07.2022 as well as the order dated 12.12.2022. In so far as the suspension order dated 26.07.2022 is concerned, this Court is of the considered view that at this stage when the petitioner has challenged the consequential order dated 12.12.2022 only on the ground that the Vice Chancellor has not passed the order, the challenge to the suspension order cannot be entertained. Admittedly, under the earlier order dated 24.11.2022 passed by this Court in W.P.No.31291 of 2022, a specific direction was issued only to the Vice Chancellor of the respondent University to pass final orders on the petitioner's representation dated 29.11.2022, seeking for revocation of his suspension order. However, as seen from the impugned order dated 12.12.2022, the order has been passed by the Registrar of the Periyar University instead of the Vice Chancellor of the Periyar University.

4. Learned Standing Counsel appearing for the respondent University would submit that only based on the directions issued by the Vice Chancellor, the order has been passed by the second respondent (The



Registrar In-Charge).

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5. When a specific direction is issued only to the Vice Chancellor of the University to consider the petitioner's representation, seeking for revocation of his suspension order, necessarily, the respondents will have to obey the same in letter and spirit. Therefore, only the Vice Chancellor ought to have passed the impugned order and not the Registrar In-Charge viz., the second respondent herein.

6. This Court is not expressing any opinion on the merits of the respective contentions. Only on the ground that the impugned order has been passed by the second respondent instead of the Vice Chancellor of the University, as directed by this Court in its earlier order dated 24.11.2022 in W.P.No.31291 of 2022, one of the impugned orders viz., the order dated 12.12.2022 is hereby quashed and the matter is partly allowed by directing the Vice Chancellor of Periyar University to issue final orders on merits and in accordance with law on the petitioner's representation dated 29.11.2022 seeking for revocation of his suspension order dated 26.07.2022, within a period of four weeks from the date of receipt of a copy of this order.



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7. With the aforementioned directions, this Writ Petition is partly allowed. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

02.01.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To
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Periyar University,
Periyar Palkalai Nagar,
Salem District - 636 011.

2.The Registrar (FAC),
Periyar University,
Periyar Palkalai Nagar,
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ABDUL QUDDHOSE. J.,

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**02.01.2023
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