



WEB COPY



W.P.No.27847 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.27847 of 2017
and
W.M.P.Nos.29873 & 29874 of 2017

B.R.Babu

...Petitioner

-Vs-

1.Pondicherry University,
Rep. by its Vice Chancellor (i/c),
Kalapet, Puducherry.

2.The Finance Officer (i/c),
Pondicherry University,
Kalapet, Puducherry.

3.The Secretary to Government,
Department of Higher Education,
Ministry of Human Resource Development,
Government of India, New Delhi.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent relating to the impugned order dated 21.09.2017 bearing ref: PU/Estt/NT10/2017-18/175 and quash the same and



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consequently direct continuation of the petitioner's service with all continuity of service, back wages, monetary and other benefits.

For Petitioner : Mr.T.Sai Krishnan

For R1 & R2 : Mr.M.Ravi

For R3 : Mr.G.Baskaran

ORDER

Heard Mr.T.Sai Krishnan, learned counsel for the petitioner, Mr.M.Ravi, learned counsel for the first and second respondents and Mr.G.Baskaran, learned counsel for the third respondent.

2. The petitioner herein was re-employed as a Registrar on contractual basis with effect from 01.09.2017 till 31.08.2019. While in service, he was implicated in a criminal case relating to admission of ineligible candidates for collecting exorbitant fees, even though they were not sponsored by CENTAC. The petitioner herein was arrayed as third accused in the criminal case by the Central Bureau of Investigation (CBI). As per Ordinance No.1, Part III, Clause (9)(ii) of the Administrative Ordinance, the Central Government or the Union Territory Government or other Universities have power to re-employ



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persons who have retired from service on superannuation or on other grounds, except on invalid grounds. Since the petitioner was arrayed as an accused in the criminal case initiated by the CBI, he was relieved from the post of Registrar, with effect from 21.09.2017, through the impugned order.

3. Admittedly, the petitioner was re-employed only on contractual basis. When he had indulged in certain acts, which warrants his involvement in the criminal case, the University was justified in terminating his employment on contract basis, with immediate effect. The petitioner is not a regular employee of the University and therefore cannot seek for departmental proceedings for such an action initiated by the University. It is a settled proposition of law that such departmental proceedings need not be initiated in cases where employees are on contract basis.

4. The learned counsel for the petitioner placed reliance on the report of the CBI dated 06.02.2020, wherein, the name of the petitioner was dropped from the FIR.

5. Merely because the criminal proceedings have been dropped against



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the petitioner in the year 2020, the original action initiated through the impugned order, relieving him from the post, cannot be found fault with, in view of the subsequent dropping of the same. Above all, the service of re-employment of the petitioner in the post of Registrar has lapsed on 31.08.2019.

6. Since the petitioner cannot seek for re-employment once again as a matter of right, no interference is required to the impugned order. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

25.01.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

hvk



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M.S.RAMESH,J.

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