



W.P.(MD)No.268 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.268 of 2023
and
W.M.P.(MD)No.229 of 2023**

Dr.K.Bhuvaneswari

... Petitioner

Vs.

The Registrar,
Mother Terasa Women's University,
Kodaikanal,
Dindigul District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records pertaining to the impugned Letter No.36/WU/Rr/ESTT/2022, dated 27.12.2022 and Letter No.36-1/WU/Rr/ESTT/2022, dated 29.12.2022 issued by the respondent and quash the same.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mr.E.V.N.Siva



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ORDER

The impugned orders passed by the respondent in Letter No.36/WU/Rr/ESTT/2022, dated 27.12.2022 and Letter No. 36-1/WU/Rr/ESTT/2022, dated 29.12.2022 are under challenge in the present Writ Petition.

2. The case of the petitioner is that the petitioner joined as Associate Professor (Department of Mathematics) in the respondent University on 09.09.2013 and she is serving as Associate Professor and Head of the Department at Coimbatore Centre of the respondent University. After subsequent promotions, she was appointed as Associate Professor (Mathematics) through selection process with effect from 09.09.2013 by the respondent University. On 01.12.2022, the petitioner was served with a charge memo by the Grievance Redressal Committee of the University alleging that the petitioner was asked to return the original certificates of one P.Sulochana Devi, who is inducted as Guest Faculty of the University and she is a Doctoral candidate under the petitioner's guideship. In fact, no



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such incident like receiving originals of the Guest Faculty by the University is taken place, more particularly, the petitioner had no occasion to receive the same as Guide or the Head of the Department. If at all anything is happened, it is the duty of the administrative side of the University to verify the originals. Therefore, the petitioner, vide reply, dated 03.12.2022, requested the University to give her an opportunity and also requested to withdraw the memo. But without considering the said explanation, the impugned orders are passed. Challenging the same, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that though there was a money dispute between the petitioner's sister and the Guest Faculty, in which, the petitioner has not collected any original certificates from the Guest Faculty. However, without conducting any proper enquiry, the impugned orders are passed. Hence, he prayed for allowing the Writ Petition.



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4. Per contra, the learned counsel appearing for the respondent would submit that there was a money dispute between the petitioner's sister and the Guest Faculty and after secret enquiry, it is found that the petitioner collected original certificates from the Guest Faculty and failed to return the original certificates on the ground that the Guest Faculty did not return the money to the petitioner's sister, since her sister passed away recently. Hence, the private dispute between the parties could only be resolved by the civil Court and not under Article 226 of the Constitution of India. Accordingly, he prayed for dismissal of the Writ Petition.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. Admittedly, there was a money dispute between the petitioner's sister and the Guest Faculty. After enquiry, it is found that the petitioner has collected original certificates from the Guest Faculty and the same was not returned on the ground that the Guest Faculty did not return the money to the petitioner's sister. However, it is a private dispute between the parties



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and it could be resolved only before the civil Court. Instead of approaching the civil Court, filing a Writ Petition under Article 226 of the Constitution of India is not sustainable one. Hence, the prayer sought for in the present Writ Petition cannot be granted.

7. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to work out her remedy before the Competent civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

06.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

The Registrar,
Mother Teresa Women's University,
Kodaikanal,
Dindigul District.



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M.DHANDAPANI,J.

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