



W.P.(MD)Nos.1516 to 1518 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.1516 to 1518 of 2023

and

W.M.P.(MD)Nos.1382, 1384, 1386 to 1389 of 2023

B.Dharani ... Petitioner in W.P.(MD)No.1516 of 2023

A.Jayaprakash ... Petitioner in W.P.(MD)No.1517 of 2023

T.Chandrasekar ... Petitioner in W.P.(MD)No.1518 of 2023

Vs.

1.The Director

All India Council For Technical Education,
Southern Regional Office,
No.26, Haddows Road,
Nungambakkam,
Chennai-600006.

2.The Chairman

Christian College of Engineering and Technology,
Ottanchathiram-624619,
Dindigul District.



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3.The Principal

Christian College of Engineering and Technology,
Ottanchathiram-624619,
Dindigul District.

4.The Enquiry Officer

Christian College of Engineering and Technology,
Ottanchathiram-624619,
Dindigul District.

... Respondents in all writ petitions

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned enquiry notice, dated 22.12.2022 on the file of the fourth Respondent and quash the same and further directing the Respondents 2 and 3 to constitute a Committee as per the Regulation 4(i) of AICTE (Redressal of Grievance of Faculty / Staff Members) Regulations, 2021, respectively.

In all writ petitions

For Petitioners : Mr.G.Prabhu Rajadurai

For Respondents : Mr.N.Dilipkumar - for R1



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COMMON ORDER

Since the issue arises in all the writ petitions are one and the same, these writ petitions are taken up together and disposed of by this common order.

2. The learned counsel appearing for the petitioners submitted that the petitioner in WP(MD) No.1516 of 2023 is a post graduate in Computer Science and Engineering with the 1st class. The petitioner in WP(MD) No.1517 of 2023 is a P.hd. holder in Information and Communication with the 1st class. The petitioner in WP(MD) No.1518 of 2023 is a P.hd. holder in Electrical Engineering with the 1st class. With such qualification appointed to the post of Assistant Professor in any of the Engineering College approved by the first respondent and affiliated to any of the Universities. While so, the third respondent appointed the petitioners in the year 2012, 2011 and 2021 respectively and subsequently, promoted as Assistant Professor in the year 2014, 2011 and presently working in the said



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post. After rendering 12 years, some allegations was made against the petitioners, as if the petitioners misbehaved with a girl student, thereby, the third respondent College appointed One Man Committee to find out the truth. However, as per the Regulation 48, there must be a Four Member Committee to conduct an enquiry, as against the petitioners' allegations. However, the same was not considered and is in the violation of Regulation 48, the present impugned Committee is appointed and issued a show-cause notice, which is bad in law. Accordingly, prayed for appropriate orders.

3. The learned counsel for the petitioners further submitted that suspension order imposed by the third respondent College communicated to the first respondent. Thereafter, the first respondent vide order, dated 04.11.2022, issued a direction to the School Management as well as the petitioners to form a Committee in terms of Clause 4 (i) of All India Council for Technical Education (AICTE) (Redressal of Grievance of Faculty / Staff Members) Regulations, 2021. However, contrary to the said order, the present One Man Committee is appointed which is contrary to law. Accordingly, he prayed for allowing these writ petitions.



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4. Mr.N.Dilip Kumar, learned counsel takes notice on behalf of the first respondent. Since no adverse order is going to be passed as against the private respondents, notice to the private respondents is dispensed with.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioners worked as a Lecturers in the third respondent College and it is alleged that the petitioners misbehaved with a girl student, thereby the third respondent College appointed a One Man Committee in order to find out the genuineness of the allegations made against the petitioners, however the grievance of the petitioners is that as per clause 4(i) of AICTE (Redressal of Grievance of Faculty / Staff Members) Regulations, 2021. The third respondent College ought to have formed a Four Member Committee instead of One Man Committee and aggrieved by the same, the writ petitions are filed.



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7. Considering the facts and circumstances of the case, the third respondent College on its own form a One Man Committee in order to find out the truth, if the Committee filed a report, thereafter, they will follow the appropriate Regulations in terms of clause 4(i). However, the apprehension of the petitioners is misconceived. Hence, the prayer sought for in these writ petitions cannot be granted.

8. Accordingly, these writ petitions are dismissed. However, this order will not stand in the way of the petitioners participating in the One Man Committee and based on the Committee the third respondent College is directed to proceed with the matter in accordance with the clause 4(i) of All India Council for Technical Education Regulations, 2021. Further, liberty is granted to the petitioners to workout their remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

27.01.2023

Index : Yes / No
Internet : Yes / No



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NCC : Yes / No
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To

- 1.The Director
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M.DHANDAPANI,J.

RM

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