



W.P.(MD) No.1566 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.1566 of 2023
and WMP(MD) Nos.1427 & 1430 of 2023

K.Pushpanathan

... Petitioner

Vs

1. The Director (Research),
Bharathidasan University,
Tiruchirappalli,
Tiruchirappalli District.
2. The Vice Chancellor,
Bharathidasan University,
Tiruchirappalli,
Tiruchirappalli District.
3. The Registrar,
Bharathidasan University,
Tiruchirappalli,
Tiruchirappalli District..
4. The Chairman,
Institutional Academic Integrity Panel (IAIP),
Bharathidasan University,
Tiruchirappalli,
Tiruchirappalli District..



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5. The Principal,
Government Arts College,
Karur, Karur District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the third respondent in his proceedings in Ref. No.02/Dir.Res./IAIP ENQ/K12, dated 03.01.2023 and impugned order passed by the third respondent in his proceedings in Ref. No. 02/Dir.Res./IAIP ENQ/K12 dated 03.01.2023 and quash the same as illegal.

For Petitioner	:	Mr.H.Mohammed Imran For M/s.Ajmal Associates
For R1 to R4	:	Mr.V.R.Shanmuganathan Standing Counsel
For R5	:	Mr.J.Amjadkhan Government Advocate

ORDER

Challenging the impugned order of the third respondent dated 03.01.2023, the petitioner is before this Court.



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2. The case of the petitioner is that he is working as Assistant Professor at the 5th respondent College. Initially, he was appointed as Assistant Professor on 09.07.2009 at Arignar Anna Government Arts College, Vadachennimalai, Salem District and transferred to the 5th respondent College. The petitioner completed Ph.D., from Anna University during 2011 and he was promoted to research department. The petitioner is acting as Research Advisor and under his able guidance, more than 50 research articles were published and more than 25 students completed their M.Sc., project work. While so, in the 249th meeting held, the third respondent held that the committee of the Institutional Academic Integrity Panel, the 4th respondent herein recommended to take appropriate action against the petitioner by cancelling his Ph.D., programme of the petitioner's student and not allowing the petitioner to be a Supervisor to any student pursuing masters, M.Phil, Ph.D., for a period of three years. The said decision was taken by the fourth respondent in its meeting held on 15.11.2022 pursuant to the complaints of the External Examiner, challenging which, the petitioner is before this Court.



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3. The learned counsel for the petitioner would submit that mechanically without providing any opportunity, the third respondent has passed the impugned order based on the resolution, which is not sustainable one hence, prays for appropriate direction.

4. The learned standing counsel would fairly submit that the present impugned order is passed without hearing the petitioner and this Court may pass appropriate orders.

5. Considering the said submission made by the learned standing counsel, this writ petition is allowed and the impugned order is set aside and the matter is remanded back to the respondents for fresh consideration and the respondents are directed to hear the petitioner and pass appropriate orders. No costs. consequently connected Miscellaneous Petitions are closed.

01.03.2023

NCC : Yes/No

Index : Yes/No

RR



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M.DHANDAPANI, J.

RR

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