



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.2265 of 2023

and

W.M.P.(MD)Nos.2039 and 2040 of 2023

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P.Priyadharshini

... Petitioner

vs.

1.The District (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.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call 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 to quash the same as illegal.

For Petitioner:Mr.A.Nawaz Khan
for M/s.Ajmal Associates
For R1 to R4 :Mr.V.R.Shanmuganathan
For R5 :Mr.V.Om Praksah
Government Advocate

O R D E R

This Writ Petition has been filed in the nature of Certiorari seeking interference with the impugned order passed by the third respondent in his proceedings in Ref.No.02/Dir.Res./IAIP ENQ/K12, dated 03.01.2023.

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2.Heard Mr.A.Nawaz Khan, learned Counsel for the petitioner, Mr.V.R.Shanmuganathan, learned Standing Counsel for the Respondents 1 to 4 and Mr.V.Om Praksah, learned Government Advocate for the fifth respondent.

3.The Writ Petitioner was studying Ph.D., degree course in the fifth respondent/Government Arts College at Karur, which is affiliated to the Bharathidasan University at Trichy. The petitioner has to submit thesis for getting Ph.D., degree. Four copies will have to be given. It had been stated that the petitioner had submitted the thesis in the prescribed format which was forwarded by the Head of Department. A Plagiarism free certificate was also issued. The third respondent, in the meeting of Syndicate, dated 16.12.2012, had however held that the thesis submitted by the petitioner suffers from plagiarism, which in effect would mean that the petitioner had taken the portion from thesis already prepared by others, who had obtained Ph.D., degrees.

4.It would only be appropriate that if such a charge is made against the petitioner, the petitioner is put on notice and opportunity is afforded to explain, as to the conclusion, which the petitioner had reached and the circumstances for such conclusion and give reasons thereof. Taking any action without prior notice would seriously infringe not only the future prospects of the petitioner herein, but all the efforts, which the petitioner had made towards the Ph.D., degree. The impugned order is, therefore, set aside without entering into any discussion on the merits, but giving liberty to the third respondent to issue proper notice to the petitioner, calling the petitioner for explanation, examine the explanation given by the petitioner herein and then take a decision.

5.The Writ Petition, to that narrow extent, stands allowed. No costs. Consequently, connected miscellaneous Petition are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)

cmr



W.P.(MD)



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To

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-15536[F]
dated 16/03/2023)

+1 CC to M/s.SPL.GP (SR-15987[F] dated 17/03/2023)

Order made in
W.P.(MD)No.2265 of 2023
15.03.2023

SI/ (25.04.2023) 3P/ 4C