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W.P.(MD)NO.14418 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14418 of 2019 AND
W.M.P.(MD)Nos.10886 & 10887 of 2019

Dr.M.Madan Kumar

... Petitioner

Vs.

The Registrar (i/c),
Anna University,
Sardar Patel Road,
Chennai – 600 025.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records pertaining to Memo.No.CFL/PTK/PR20/19 dated 21.05.2019 issued by the respondent and quash the same.

For Petitioner : Mr.R.Singaravelan, Senior Advocate,
for Mr.C.Muthusaravanan.

For Respondent : Mr.E.V.N.Siva,
Standing Counsel.

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**ORDER**

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By the impugned order, the petitioner was removed from service. Aggrieved by the same, the petitioner filed an appeal on 17.06.2019 before His The Excellency Chancellor of the University. The question is whether this Court should go into the issue or call upon the petitioner to pursue the appeal remedy which he has already availed

2. The learned Senior counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order.

3. The learned Standing counsel appearing for the University submitted that the very appointment of the petitioner as Assistant Professor in Geology was illegal. The stand of the respondent is that the post advertised was Assistant Professor in Civil Engineering. The petitioner lacked the requisite qualification for the said post. He was therefore clandestinely appointed as Assistant Professor in Geology in the Department of Civil Engineering. It is further contended that following the receipt of allegations that appointments made during the



tenure of certain Vice Chancellors of Anna University of Technology, Thiruchirappalli were vitiated by fraud, DVAC, Thiruchirappalli, conducted enquiry. Based on their report, it was resolved to enquire into the conduct of Dr.V.Ramachandran, former Vice-Chancellor of Anna University of Thiruchirappalli. Professor E.Balagurusamy, former Vice Chancellor conducted enquiry and submitted his report holding that the petitioner herein was illegally appointed. Based on the said enquiry report, noticed was issued to the petitioner and after getting his explanation, the impugned order was passed.

4. After hearing both sides, I am more than satisfied that factual aspects will have to be gone into. This is inevitable because allegations of fraud have been made. It would be in the fitness of things if the issues are gone into by the appellate authority before the matter can be taken up by this court in exercise of its Writ jurisdiction.

5. The appeal filed by the petitioner on 17.06.2019 before His Excellency The Chancellor shall be disposed of on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The petitioner shall also be given an



opportunity of personal hearing before passing final order. It is made clear that the merits of the matter have not been gone into.

6. With this direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

The Registrar (i/c),
Anna University,
Sardar Patel Road,
Chennai – 600 025.



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G.R.SWAMINATHAN,J.

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