



CONT.P.(MD)No.1174 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CONT.P.(MD)No.1174 of 2022

S.Rajasekaran

... Petitioner

Vs.

Mr.M.Eswaramoorthy,
The Director,
Office of the Directorate of Collegiate Education,
9th Floor, E.V.K.Sampath Bulding,
College Road,
Chennai-6.

...Respondent

PRAYER: Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the contemnors/3rd respondent herein for their willful, wanton and utter disregard to the orders passed by this Court in W.P.(MD)No.7833 of 2020 dated 17.08.2021 under the contempt of Courts Act.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondent : Mr.S.P.Maharajan,
Special Government Pleader



ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

This contempt petition has been instituted to punish the respondent for his willful disobedience of the order of this Court dated 17.08.2021 in W.P. (MD)No.7833 of 2020.

2.The Petitioner claims to be a member of Aruppukottai Town Devangar Commercial Association and Aruppukottai Town Devangar Moondru Mirasukal Uravinmurai. This contempt petition was filed mainly on the ground that the order passed by this Court has not been implemented in its letter and spirit. However, during the pendency of the contempt petition, this Court issued interim directions to conduct enquiry by the Director of Collegiate Education and directed the Government to look into the matter.

3.We found that the Director of Collegiate Education had conducted enquiry and submitted a report and the said report was forwarded to the Government for final opinion. The enquiry report of the Director of Collegiate Education received by the Government was considered and the Government filed a status report holding that the following conclusions have been arrived at:



“(i)With regard to the allegation that the Appointment of 08 Assistant Professors on 06.12.2017, 01 Assistant Professor on 01.03.2018, 02 Assistant Professors on 07.08.2018, 01 Assistant Professor on 14.09.2018 and 03 non-teaching staff have been made illegally without following the due procedure (Transparency) at Devangar Arts and Science College, Aruppukottai, Virudhunagar District, it is submitted that Devangar Arts and Science College, Aruppukottai, Virudhunagar District is a Linguistic Minority institution. During the period 04.10.2017 to 25.09.2019, Thiru. R. Ramasamy was the Secretary of the College and in the appointment of 12 Teaching and 03 Non-Teaching staff, the guidelines pertaining to the appointment of staff in minority institutions have been followed and hence the Regional Joint Director of Collegiate Education, Madurai Region has given approval to the same.

(ii) With regard to the allegation on Transfer of money from the Principal's Bank Account to the Bank Account of the College Secretary and that money has been collected from 03 individuals in the pretext of getting appointment at Devangar Arts and Science College, Aruppukottai, Virudhunagar District, it is submitted that the College Secretary has been utilizing an amount of Rs. 70 lakh transferred from the Principal's Bank Account to his Bank Account and Rs.36,69,955/- pertaining to April 2018 Examinations transferred to his account instead of transferring it to the Controller of Examinations. In case of such illegal money transactions, the Principal of the College being the in-charge of College Accounts, must have recommended for criminal action in this regard. But it is understood that the Principal has not made any complaints to initiate criminal action. Hence a solution in this regard can be arrived only with the help of an enquiry following the procedure for criminal investigation.

(iii) With regard to the allegation that the officials of the Higher Education



Department have been in connivance and have supported the malpractices of the then College Secretary, Thiru. R. Ramasamy, it is submitted that the statement of the then Principal of Devangar Arts and Science College (a linguistic minority institution), Aruppukottai that he was forced to sign the papers relating to the College Selection Committee during the appointment of 12 teaching and 03 non-teaching staff has to be dealt with as a criminal case. Also with, regard to the administrative issues of the College, the College Committee has the powers to interfere and settle the issue and hence blaming officials of the Collegiate Education Department, is not acceptable.

(iv) With regard to the allegation that action should be taken on the then Director and Regional Joint Directors of Collegiate Education, who were in position during the said appointments, it is submitted that, the complaint that appointment of 12 Teaching and 03 non-teaching staff at Devangar Arts and Science College, Aruppukottai by accepting money, while Thiru, R. Ramasamy was the College Secretary has no basis and has not been proved with evidence. Hence, based on the written statements obtained from the staff appointed and based on the copies of documents pertaining to the said appointment submitted by the Regional Joint Director of Collegiate Education, Madurai Region, it is of the opinion that the petition of Thiru. R. Rajasekaran dated 19.11.2019, shall be rejected.”

4.In paragraph No.16 of the status report, the Government has stated that the Director of Collegiate Education has been requested to take necessary action based on that report with regard to the money transaction from the College fund to College Secretary's fund and also on the allegation that the Principal was forced to



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sign the papers relating to the appointment of teaching and non-teaching staff.

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5.Since the Government took cognizance of the entire issues raised and issued appropriate instructions to the Director of Collegiate Education to initiate appropriate actions as stated above, we direct the Director of Collegiate Education to proceed with all further actions including registration of criminal case and initiation of disciplinary proceedings against the erred officials, in view of the conclusion arrived by the Government based on the report submitted by the Director of Collegiate Education. Such actions are directed to be initiated simultaneously and without causing any undue delay. In the event of any further lapses on the part of the authorities in initiating further actions, the petitioner is at liberty to move the competent authority for the purpose of further actions or otherwise. Accordingly, this contempt petition stands closed.

(S.M.S., J.) & (B.P., J.)

01.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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S.M.SUBRAMANIAM, J.



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AND

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To

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