



W.P(MD)No.10774 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2023

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CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.10774 of 2014

R.Srikumar

... Petitioner

Vs.

1.The Bharathidasan University,
rep.by its Vice Chancellor,
Tiruchirappalli-620 024.

2.The Senate Committee,
Bharathidasan Univestiy,
Tiruchirappalli-620 024.

3.The Registrar,
Bharathidsasn University,
Tiruchirappalli-620 024.

4.A.Panneerselvam
5.N.Thajuddin

6.The Principal,
A.V.V.M., Sri Pushpam College,
Poondi-613 503,
Thanjavur District.

7.D.Dhanasekaran

8.The Enquiry Committee,
by its Convener,
Bharathidasan University,
Tiruchirappalli-620 024.

9.G.Muralitharan



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10. The Controller of Examination,
Bharathidasan University,
Tiruchirappalli-620 024.

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the enquiry report dated 15.05.2013 submitted by the enquiry committee and confirming the approving resolution dated 14.03.2014 by the first and second respondents, quash the same, further directing the first and second respondents to cancel the appointment of the seventh respondent dated 13.06.2008 and thereby appoint the petitioner in the post of Assistant Professor/lecturer in the first respondent University with effect from 2008 with all attendant benefits including monitorial benefits.

For Petitioner : Mr.S.Ramu
For R1 to R3 : Mr.V.R.Shanmuganathan
For R4 to R9 : No Appearance

ORDER

This writ petition seeks for a writ of certiorarified mandamus to call for the enquiry report dated 15.05.2013 confirming the resolution of the first and second respondents, dated 14.03.2014 and quash the same as illegal and incompetent and to further direct the respondents 1 and 2 to cancel the appointment of the seventh respondent and to appoint the petitioner in his place with effect from 2008.



2.Though the prayer seems to be long, the grievance of the writ petitioner is very short one. According to the writ petitioner, the seventh respondent has not done his Ph.d., as a full time course and had only done the same as part time course. He would state that, on this ground, he wrote a complaint about the appointment of the seventh respondent made by respondents 1 and 2 to the post of Lecture (presently called as Assistant Professor). The first respondent taking into consideration of the grievance that has been expressed by the petitioner, appointed an Enquiry Committee, to look into this issue. The Enquiry Committee has submitted a report stating that the seventh respondent wanted to convert his full time Ph.d., to part time Ph.D., there are no records available to substantiate the same. In other words, the Ph.D., programme undergone by the seventh respondent was a full time course.

3.The evidence stated by Mr.Dr.N.Thajuddin, at page No.193 of the typed set of papers is brought to my attention to show that Mr.Dr.N.Thajuddin, was the Co-Guide of the seventh respondent and he had stated that the seventh respondent had only pursued his Ph.D., as a part time course and not as a full time course. I have to state when there are written evidence or documents, a statement made during the course of enquiry would not be sufficient to hold against the seventh respondent.



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4.I should point out here that the petitioner has not challenged the appointment of the seventh respondent. The seventh respondent was appointed on 13.06.2008. On the grievance expressed by the petitioner, Enquiry Committee was appointed and the Enquiry Committee submitted a report having come to a factual conclusion that there was a request by the seventh respondent, that his full time one be converted to part time programme. The Committee also came to the conclusion that there is no evidence before the university to show that such conversion was permitted. The only record available with the University is that the records stating that the seventh respondent had involved in the full time course. When there is no written documentary evidence, the oral evidence would pale into insignificance.

5.I am of the view that even if the writ petition is allowed and the enquiry report is quashed, it would not help the case of the petitioner as he has not challenged the appointment of the seventh respondent. Further, the learned counsel for the respondent University would point out that after the first enquiry report, a fresh Enquiry Committee was appointed on the request made by the writ petitioner and the fresh enquiry report also came to same conclusion as the earlier Enquiry



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Committee's report. It had also stated that the seventh respondent had done his Ph.D., only as a full time course.

6.It is to be noted that the seventh respondent has been in service for more than 15 years. In light of the fact that the appointment order of the seventh respondent has not been challenged and the Enquiry Committee not once, but twice had come to the conclusion that Mr.D.Dhanasekaran, seventh respondent had pursued his Ph.D., only as full time course and not as a part time course, I am not inclined to grant the relief as sought for by the petitioner in the present writ petition. Accordingly, this writ petition stands dismissed. No costs.

31.10.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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V.LAKSHMINARAYANAN, J

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