



W.P(MD)No.13097 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.13097 of 2015 and  
MP(MD) Nos.1 & 2 of 2015

The Secretary,  
Malankara Catholic College,  
Mariagiri,  
Kalaikavilai,  
Kanyakumari District.

... Petitioner

Vs

1.The Manonmaniam Sundaranar University,  
Rep by its Registrar,  
Abhisekapaati,  
Tirunelveli,  
Tirunelveli District – 627 012.

2.The Convenor,  
Three Member Enquiry Committee,  
The Manonmaniam Sundaranar University,  
Rep by its Registrar,  
Abhisekapaati,  
Tirunelveli,  
Tirunelveli District – 627 012.

...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 Certiorari, calling for the records relating to the impugned proceedings issued by the first respondent University in Ref.No.MSU/A/MCC/Enquiry/2015 dated 05.03.2015 (appointing a Three member Enquiry committee) and the consequent proceedings issued by the second respondent Committee in Ref.No.MSU/A/MCC/Enquiry, dated 13.04.2015 and quash the same.

|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | : Mr.Ragatheesh Kumar                             |
| For R1         | : Ms.H.Jasima Yasmin for<br>M/s. Ajmal Associates |
| For R2         | : No appearance                                   |

### **ORDER**

The petitioner's College, namely, Malankara Catholic College is administered by a registered Trust “Diocese of Marthandam”. The petitioner's college is affiliated with the Manonmaniam Sundaranar University and it is a self-finance and un-aided Arts and Science College. Moreover, the petitioner's College is recognized by the University Grant Commission. A letter has been addressed by the Registrar of Manonmaniam Sundaranar University, Tirunelveli, dated 05.03.2015 to the petitioner College,



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intimating that a Three Members Committee would be visiting the petitioner College on 31.03.2015 in order to verify the complaints such as, poor infrastructure in the college, exorbitant and unauthorized fee collection, admission irregularities etc., The above said enquiry Committee has framed certain charges as against the petitioner college and the same was intimated to the petitioner by letter dated 30.03.2015. Based on the charges framed as against the petitioner college, the Enquiry committee has sent a notice dated 13.04.2015 intimating the petitioner college to appear for an enquiry on 20.04.2015. All the above proceedings are under challenge in this writ petition.

2.The learned counsel appearing for the petitioner submits that the enquiry was conducted by the Enquiry committee based on the Minutes of the University Syndicate, dated 18.05.2013 which was not communicated to the petitioner. More over, the complaints, based on which, enquiry committee has been formed were also not provided to the petitioner. The petitioner has made



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repeated representations dated 08.03.2015, 27.03.2015 and 17.04.2015 requesting the University to furnish them a copy of the complaint. However, the respondent University has not furnished the documents sought for by the petitioner college. Therefore, the petitioner has filed this writ petition in the year 2015.

3.The learned counsel appearing for the first respondent University submits that it is only a show cause notice and the petitioner's college ought to have appeared for the enquiry scheduled by the University. However, without appearing for the enquiry, the petitioner has filed this writ petition and hence, this writ petition is not maintainable.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner has challenged the proceedings issued by the first respondent University on 05.03.2015, 30.03.2015 and



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13.04.2015. The main contention of the petitioner college is that certain documents have not been furnished to the petitioner college enabling them to response to the show cause notice. Since the impugned proceedings is only a notice, this writ petition is not maintainable in view of the decision of the Hon'ble Supreme Court in **Union of India vs. Kunishetty Satyanarayana [(2006) 12 SCC 28]**.

6. Accordingly, this writ petition is disposed of with a direction to the respondents to furnish copy of the documents, which were sought for by the petitioner college, which are basis for the impugned notice, within a period of four weeks from the date of receipt of a copy of this order. In such event, the petitioner is directed to file his response/explanation/objection to the notice within a period of one week from thereon. The first respondent shall take a decision on the proceedings within a period of eight weeks from the date of receipt of any objection by the petitioner. The petitioner College shall co-operate for the enquiry to be completed



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within the stipulated period. No costs. Consequently, connected

Miscellaneous Petitions are closed.

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NCC :Yes/No

Index :Yes/No

Internet:Yes

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To

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