



W.P.(MD).No.20722 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20722 of 2023

and

W.M.P(MD)Nos.17141 & 17142 of 2023

P.Kabilan

... Petitioner

Vs.

1.The Convener,
Syndicate Committee,
Madurai Kamaraj University,
Palkalai Nagar, Madurai.

2.The Registrar (i/c),
Madurai Kamaraj University,
Palkalai Nagar, Madurai.

3.The Dean (CDC) (i/c),
Madurai Kamaraj University,
Palkalai Nagar, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent bearing proceedings no. MKU/R/MKUC-3/2023, dated 18.08.2023 in consequence to the order of the Syndicate Committee, dated 18.08.2023 and quash the same as ultra virus,



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illegal, against the principles of natural justice and consequently directing the first respondent to nominate a suitable person in the place of Dr.S.Pushparaj - Convener of the Enquiry Committee on the basis of the petitioner's objection letter, dated 21.08.2023.

For Petitioner : Mr.M.Ponniah
For R-1 & R-2 : Mr.T.Cibi Chakraborty
Standing Counsel
For R-3 : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present writ petition is for a Writ of Certiorarified Mandamus, calling for the records of the second respondent bearing proceedings no. MKU/R/MKUC-3/2023, dated 18.08.2023 in consequence to the order of the Syndicate Committee, dated 18.08.2023 and quash the same as ultra virus, illegal, against the principles of natural justice and consequently directing the first respondent to nominate a suitable person in the place of Dr.S.Pushparaj - Convener of the Enquiry Committee on the basis of the petitioner's objection letter, dated 21.08.2023.



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2. By consent of both the parties, this writ petition is taken up for final disposal.

3. The only grievance of the petitioner, who is serving as an Associate Professor in the Madurai Kamaraj University, Thallakulam, Madurai is that one Dr.S.Pushparaj has been accommodated in the Enquiry Committee as Convenor which has been constituted for the purpose of conducting a departmental enquiry as against the petitioner. The said departmental enquiry has been initiated at the instance of a complaint, dated 16.08.2023 made by the President and Secretary of MUFA and MKU-ASA respectively. An Enquiry Committee consisting of three members including Dr.S.Pushparaj as Convenor has been constituted to conduct an enquiry against the petitioner. The said Dr.S.Pushparaj is serving as a Secretary of MUFA and as such, the petitioner apprehends biased enquiry in his presence and has knocked the doors of this Court, seeking to quash the order of the Syndicate Committee, dated 18.08.2023 in which the aforesaid Enquiry Committee has been constituted.

4. The learned Standing Counsel for the respondent University fairly conceded that the University is amenable to re-constitute the Committee by



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incorporating any other person, who do not have any official position in the aforesaid MUFA and MUTA.

5. Taking note of the said submission made by the learned Standing Counsel for the Madurai Kamaraj University, this Court hereby quash the impugned order, dated 18.08.2023 as far as the inclusion of Dr.S.Pushparaj as Convenor in the aforesaid Committee and consequently, I direct the Syndicate to include some other person, who do not hold any official position in MUFA or MUTA in the said committee, thereby ensuring fair enquiry as against the petitioner.

6. With the above said observation, this Writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

23.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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L.VICTORIA GOWRI, J.

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