



W.P(MD)Nos.24312 to 24316 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.24312 to 24316 of 2023

and

W.M.P(MD)Nos.20507 to 20510, 21337, 21339, 21346, 21365 & 21371 of 2023

P.Ravi	... Petitioner (In W.P(MD)No.24312 of 2023)
G.Immanuel	... Petitioner (In W.P(MD)No.24313 of 2023)
T.Citarasu	... Petitioner (In W.P(MD)No.24314 of 2023)
Micheal Babu	... Petitioner (In W.P(MD)No.24315 of 2023)
S.Arumugam	... Petitioner (In W.P(MD)No.24316 of 2023)

Vs.

- 1.The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli.
- 2.The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai-600 009.



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3. The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Finance Department,
Fort St. George,
Chennai-600 009.

4. The Director,
Local Fund Audit, Kuralagam,
Chennai-600 108.

... Respondents
(In All Cases)

*(R-2 to R-4 are impleaded vide common Court order,
dated 16.10.2023 in W.M.P(MD)Nos.21330, 21333,
21340, 21360 & 21367 of 2023 in W.P(MD)Nos.24312
to 24316 of 2023)*

Prayer in W.P(MD)No.24312 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned show cause notice in MSU/R/Estt(T)/show cause/2023, dated 15.05.2023 on the file of the first respondent and quash the same.

Prayer in W.P(MD)No.24313 of 2023 : 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 impugned show cause notice in MSU/R/Estt(T)/show cause/2023, dated 15.05.2023 on the file of the first respondent and quash the same and further directing the first respondent to promote the petitioner to the post of Professor with effect from the year 2020.



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Prayer in W.P(MD)No.24314 of 2023 : 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 impugned show cause notice in MSU/R/Estt(T)/show cause/2023, dated 15.05.2023 on the file of the first respondent and quash the same and further directing the first respondent to promote the petitioner to the post of Professor with effect from the year 2021.

Prayer in W.P(MD)No.24315 of 2023 : 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 impugned show cause notice in MSU/R/Estt(T)/show cause/2023, dated 15.05.2023 on the file of the first respondent and quash the same and further directing the first respondent to promote the petitioner to the post of Assistant Professor with effect from the year 2019 and as Professor with effect from the year 2021 in the first respondent University.

Prayer in W.P(MD)No.24316 of 2023 : 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 impugned show cause notice in MSU/R/Estt(T)/show cause /2023, dated 15.05.2023 on the file of the first respondent and quash the same and further directing the first respondent to promote the petitioner to the post of Assistant Professor with effect from 12.10.2020.

(Prayer amended vide common Court order, dated 16.10.2023 in W.M.P(MD)Nos.21334, 21336, 21344, 21362 & 21369 of 2023)



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(In All Cases)

For Petitioners : Mr.G.Prabhu Rajadurai
For R-1 : Mr.Mahaboob Athiff
For R-2 to R-4 : Mr.J.Ashok
Additional Government Pleader

COMMON ORDER

The present writ petitions have been filed by the Assistant Professors of the Manonmaniam Sundaranar University challenging the show cause notice issued to them calling for an explanation why their salary should not be re-fixed and an order of recovery should not be effected.

2. It is settled proposition of law that show cause notice cannot be challenged unless the issuing authority does not have any jurisdiction over the same. In the present case, the University has issued the impugned show cause notice on 15.05.2023 annexing a copy of the audit objection report.

3. The impugned show cause notice is dated 15.05.2023. It has been issued solely on the basis of the Government letter, dated 25.09.2013. This



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Court by an order, dated 16.06.2023 in W.P(MD)No.6635 of 2019 has quashed the said Government letter. Therefore, the basis of the show cause notice has already gone and the University cannot proceed further.

4. From the typed set of papers, it could be seen that the writ petitioners have already offered there objections to the audit report.

5. Considering the above said facts, this Court is not inclined to quash the show cause notice. However, the respondents are directed to consider the explanation offered by the writ petitioners for the audit objection, independent of the letter issued by the Government on 25.09.2013. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above said observation, these writ petitions stand disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

16.11.2023



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

To

- 1.The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli.
- 2.The Principal Secretary to Government,
The State of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai-600 009.
- 3.The Principal Secretary to Government,
The State of Tamil Nadu,
Finance Department,
Fort St. George,
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- 4.The Director,
Local Fund Audit, Kuralagam,
Chennai-600 108.



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R.VIJAYAKUMAR, J.

BTR

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