



WP.No.355 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.355 of 2023

and

WMP.No.328 of 2023

Dr.Vipan Kumar Chand

... Petitioner

Vs.

1. The Union of India
represented by its Secretary
to Higher Education,
Ministry of HRD,
Shastri Bhavan New Delhi-110001.
2. The University Grants Commission
represented by its Chairman,
Bhadur Shahs Zafar Marg,
New Delhi-110002.
3. The Registrar,
Indian Maritime University,
East Coast Road, Semmancherry,
Sholinganallur post,
Chennai-600119.
4. Ashish Kumar Majumdar Associate Professor,
Indian Maritime University
Navi Mumbai Campus,
Karave Nerul,
Navimumbai-400 706.



WP.No.355 of 2023

5. Virtual Dixit Associate Professor,
Indian Maritime University Navi
Mumbai Campus, Karave Nerul,
Navimumbai-400 706.

6. Vinod Navin, Associate Professor,
Indian Maritime University
Navi Mumbai Campus,
Karave Nerul,
Navimumbai-400 706 .

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 3rd respondent in F.No.IMU-HQ/R/13/15/4/2019- Estt. (R)/Vol-IV dated 18-10-2019 quash the same respect of post of Professor (Nautical Science) Associate Professor (Nautical Science) in and Quash. the same direct the 3rd respondent to appoint the petitioner as Professor (Nautical Science).

For Petitioner : Mr.M.Devaraj

For Respondents : Mr.S.Janarathan, SPCGC for R1

:Mr.K.Srinivasa Murthy, SSC for R3

: M/S.Sumatih Lokesh for R5

:No appearance for R6

ORDER



WP.No.355 of 2023

This Writ Petition is filed with a prayer challenging the proceedings of the 3rd respondent dated 18.10.2019 and to quash the same and consequently appoint the petitioner as Professor of Natural Science.

2. When the matter came up for hearing today, it was brought to the attention of this Court by the learned counsel appearing on behalf of the 3rd respondent that the 3rd respondent is a Central University, and it was also already notified under Section 14 of the Administrative Tribunals Act-1985. If that being the situation, the petitioner has to approach the Central Administrative Tribunal by way of filing an original application.

3. Earlier, when the petitioner filed a Writ Petition before the High Court of Bombay on 30.10.2020, only the objection as to the place of suing alone was raised, and the matter went up to the Hon'ble Supreme Court. Subsequently, the present Writ Petition was filed.

4. In view thereof, while the petitioner has to be directed to approach the Tribunal, since the petitioner has been foot-balled from one forum to another, I am of the view that the period from 30.10.2020 , until today has to be excluded for the purpose of computing the limitation to approach the



WP.No.355 of 2023

Central Administrative Tribunal under the Administrative Tribunals Act-1985.

5. In view thereof, this Writ petition is disposed of on the following terms:

(i) This Writ petition is disposed of with a direction to the respondents to avail themselves of the alternative remedy available to the petitioner before the Central Administrative Tribunal under the Administrative Tribunals Act-1985;

(ii) The petitioner will be at liberty to raise all the contentions which are raised before this Court, and the same shall be considered by the Tribunal;

(iii) The period from 30.10.2020 to till the receipt of a copy of this order shall be excluded for the purpose of calculating the limitation period under Section 21 of the Act. The petitioner will be at liberty to pray for such reliefs before the Central Administrative Tribunal as may be permissible by law;



WP.No.355 of 2023

(iv) Since the petitioner has been before the Courts for a long time, as and when such an original application is taken on file, the Tribunal is requested to consider treating this case for expeditious hearing and disposed;

(v) No costs. Consequently, the connected miscellaneous petition is closed.

28.06.2024

Neutral Citation : Yes/No
jrs

To

1. The Union of India
represented by its Secretary
to Higher Education,
Ministry of HRD,
Shastri Bhavan New Delhi-110001.
2. The University Grants Commission
represented by its Chairman,
Bhadur Shahu Zafar Marg,
New Delhi-110002.

D.BHARATHA CHAKRAVARTHY, J.

jrs



WP.No.355 of 2023

3. The Registrar,
Indian Maritime University,
East Coast Road, Semmancherry,
Sholinganallur post,
Chennai-600119.
4. Ashish Kumar Majumdar Associate Professor,
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Navi Mumbai Campus,
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