



W.P.No.5193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5193 of 2023 and
W.M.P.No.5191 of 2023

Dr.N.Rajendiran

...Petitioner

-Vs-

1.The Registrar,
Annamalai University,
Annamalai Nagar-608 002,
Cuddalore District.

2. Dr.R.M.Kathiresan,
The Vice Chancellor,
Annamalai University,
Annamalai Nagar-608 002.
Cuddalore District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the order of the 1st respondent in Proceedings Roc.No.Estt/C-C2/2023 dated 08.02.2023.



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For petitioner : Mr.C.Vigneswaran
For respondent 1 : Mr.S.Sithirai Anandam,
Standing Counsel
For respondent 2 : Mrs.A.L.Ganthimathi,
Senior Counsel for
Mr.L.Paranimuthu

ORDER

This writ petition has been filed challenging the charge memo dated 08.02.2023 issued by the first respondent.

2. The petitioner is working as Professor in the first respondent's university. He is qualified with M.Sc., M.Phil., and Ph.D., and he had joined in the first respondent's university as Lecturer in the Department of Chemistry and subsequently promoted as Reader, Associate Professor and presently working as Professor. He has thirty years of service in the first respondent's university. While being so, in the year 2015, he had forwarded a Research Project Proposal through the respondents to the Rashtriya Uchchatar Shiksha Abhiyan (RUSA) Government of India Scheme for consideration and Financial Assistance. Pursuant to the same, Rs.10 crores were sanctioned in the first phase in favour of the 1st respondent. However,



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no paise was utilized for the said research proposal submitted by the petitioner. In fact, the petitioner was not paid any travelling allowance and dearness allowance. Likewise, in the year 2018, the Department of Science and Technology, Government of India invited proposals under a scheme called the Promotion of University Research and Scientific Excellence (DST-PURSE). Once again, the petitioner invited proposal to DST-PURSE through the first respondent, for which a sum of Rs.38.5 crores were sanctioned to all the Departments of first respondent's University. However, no sum was allotted to the petitioner's department and research inspite of several requests made by him.

3. Once again, for the academic year 2018-2019, Rashtriya Uchchatar Shiksha Abhiyan (RUSA) invited proposal from the university phase II, in which the petitioner submitted proposal, and sanctioned sum of Rs.52 crores. But once again, they had not acceded the petitioner's request and sanctioned only sum of Rs.10 lakhs for his research work. Therefore, he was constrained to send detailed representation to all the higher officials of India. On receipt of the same, the Principal Secretary to Government of



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Tamilnadu by its proceedings dated 03.02.2023 sent letter to the 2nd respondent to form expert committee to investigate the grievance of the petitioner and to submit the findings of the committee within a period of one week. In the mean while, disciplinary proceedings was initiated as against the petitioner and issued show cause notice as to why disciplinary action should not be initiated by the notice dated 27.12.2022. He submitted detailed explanation on 05.01.2023. However, the petitioner was directed to appear before the enquiry committee on 06.02.2023. Thereafter, the petitioner was served with charge memo dated 08.02.2023 consisting of three charges as follows:

"Charge No.1 :

You have sent petitions to authorities like Hon'ble President of India, Hon'ble Prime Minister of India, Hon'ble Governor of Tamilnadu, Hon'ble Chief Minister of Tamilnadu and Secretary, RUSA directly without routing through proper channel with false allegations not supported by evidences. Thus, you have violated the University Rules.

Charge No.2

You have made false allegations that institutional project funds like RUSA and DST-PURSE have not been utilized properly inspite of those being allocated with proper approval from authorities concerned, utilized as per University norms and subjected to audit by statutory audit. This manner is unbecoming of a teacher and exhibits aspersion on the University.



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Charge No.3

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You have alleged that two cards have been procured out of research funds but the University which is false. Purchases of cars were done with the proper approval of concerned authorities through University Funds. With this you have made defaming and derogatory remarks on administrative processes of the University which is viewed serious."

4. On receipt of the charge memo, the petitioner submitted his written statement of defense for the charges. Without being satisfied with the reply explanation, the first respondent university constituted committee to conduct enquiry. The committee held all the charges as proved and recommended for punishment with disciplinary proceeding by the report dated 19.12.2023. However, the first respondent yet to pass final orders on the report submitted by the enquiry committee.

5. The learned counsel for the petitioner would submit that only because of the representation submitted by the petitioner to higher authorities, the petitioner has been now charged with charges. All the charges are pertaining to the issues raised by the petitioner. The petitioner is guaranteed with the same fundamental rights as every other citizen of India under Article 19(1)(a) of the Constitution of India to express his



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views. As per the university guidelines, there is absolutely no restrictions to express his views. Therefore, the charge is baseless and it cannot be sustained as against the petitioner. Further the charge memo was issued only after receipt of the communication. Further, submitted that after receipt of the explanation submitted by the petitioner dated 05.01.2023, the first respondent closed the issue. However, on receipt of the letter communication from the Principal Secretary to the Government of Tamilnadu to form expert committee on the allegation levelled by the petitioner as against the first respondent and submitted report and issued charge memo to the petitioner.

6. The first respondent filed counter and submitted that even before issuing communication dated 03.02.2023 from the Principal Secretary to Government of Tamilnadu, the petitioner was served with notice and after receipt of the explanation from the petitioner, charge memo was issued. In fact, the charge memo sent with reference orders to the petitioner and as such, the communication from the Principal Secretary to Government of Tamilnadu has no reason for issuance of charge memo to the



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petitioner. After issuance of charge memo, the petitioner did not even co-operate for enquiry conducted by the committee. However, the enquiry committee completed the enquiry and submitted its report dated 19.12.2023 and it is pending for passing final orders. In fact, as directed by the Principal Secretary to Government of Tamilnadu, the first respondent formed expert committee consisting of member of syndicate of the first respondent's university, the Dean, Faculty of Engineering and Technology, The Head, Department of Physics, The Director, Directorate of Research and Development and The Finance Officer, Annamalai University. They conducted detailed enquiry on the strength of the explanation submitted by the petitioner and concluded that all the allegations alleged by the petitioner were false, malicious and highly irresponsible and from his service records, it was found that more than ten complaints were received and disciplinary proceedings were undertaken in last 20 years by the report dated 21.02.2023.

7. Mrs.A.L.Ganthimathi, the learned Senior Counsel appearing for the 2nd respondent submitted that the 2nd respondent is being Vice Chancellor of the Annamalai University he counter signed in the charge



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memo and he has nothing to do with the allegations made in the affidavit filed in support of the writ petition. The charge memo was issued on the basis of the very serious charges. Therefore, there was no malafide for issuance of charge memo as against the petitioner. The charges framed as against the petitioner are with regards to the representation submitted by the petitioner.

8. On perusal of the representation, he made certain allegations as against the respondents. Since the funds which were sanctioned for research purposes were not properly utilized. In fact, all the charges are allegations alleged by the petitioner against the respondents. Even according to the respondents, the petitioner did not commit any wrong except sending the said representation. In fact, as directed by the Principal Secretary to the Government of Tamilnadu, the first respondent formed committee and they conducted enquiry and submitted report. It is also curious to note that expert committee consisting of their own Head of the Department and no third person is consisting among the expert committee. However, the reason for initiation of disciplinary proceedings is that the petitioner submitted detailed representation to various authorities to take action for following



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reliefs:

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- a) *The Expert Committee to verify whether the research funds are properly utilized or not;*
- b) *Whether all the research objectives are done or not; (please compare the proposal already submitted to the RUSA and DST-PURSE).*
- c) *Whether the relevant instruments are purchased or not? Whether the instruments given in the research proposal have been purchased or not? Are all the machines, computers and other materials purchased at a reasonable price or not?*
- d) *Why the authorities did not disburse the fund to the person who actually submitted the research proposal?*
- e) *The authorities said that they spent money towards the renovation of old buildings. They shown that the cost of renovation is more than normal cost.*
- f) *They refused to purchase relevant research instruments but on which base they purchased two cars (around the cost is 70 lakhs) from the research funds?*
- g) *On what basis they appointed Director, Joint Directors, Deputy Directors and Coordinators for the RUSA and DST & PURSE projects?"*

9. Therefore, he raised several questions for which the expert committee was constituted and concluded and answered for the questions raised by the petitioner. Further, after receipt of the explanation submitted by the petitioner, the first respondent constituted the committee to conduct



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enquiry on the disciplinary proceedings consisting professor and The Head of Department of Physics, The Dean, Faculty of Engineering and Technology. On perusal of the enquiry report, no one was examined and no documents were submitted before the enquiry committee by the disciplinary authority. Only based on the charges and explanation submitted by the petitioner, enquiry committee concluded that the petitioner has not authorized to communicate any representation to all higher officials, that too carrying false allegations. The act of the petitioner is grave offence on the part of the university employee and as such, the committee further concluded that the petitioner done grave mistake, disobedient with a very bad reputation. Admittedly, the enquiry committee did not even examine any person on behalf of the presenting officer and also on behalf of the delinquent. Hence, no evidence to show that the petitioner was given opportunity to participate in the enquiry. Therefore, the entire proceedings are vitiated in the charge memo and it cannot be sustained as against the petitioner.



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10. Therefore, the impugned charge memo passed by the first respondent dated 08.02.2023 and its proceedings are liable to be quashed.

Accordingly, the charge memo issued in Proceedings Roc.No.Estt/C-C2/2023 dated 08.02.2023 of first respondent is quashed and the writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

26.02.2024

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Internet: Yes/No
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G.K.ILANTHIRAIYAN,J.
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To

1.The Registrar,
Annamalai University,
Annamalai Nagar-608 002,
Cuddalore District.

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