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W.P.No.16563 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE **BATTU DEVANAND**

W.P.No.16563 of 2018
and WMP.No.19743 of 2018

R.Prabhakaran

... Petitioner

Vs.

1. The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.
2. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent made in proceedings in Office Memorandum No.C3-1/19922/2015, dated 08.05.2018 and quash the same and consequently direct the first respondent to reinstate the petitioner in service as Helper.



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For Petitioner : Mr.N.Umapathi

WEB COPY For Respondents : Mr.Isaac Mohanlal, Senior Counsel
for M/s.Isaac Chambers

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent dated 08.05.2018 and quash the same and consequently direct the first respondent to reinstate the petitioner in service as Helper.

2. The case of the petitioner is that he was appointed as a Helper on 02.02.2005. The second respondent, through order dated 04.03.2015, placed the petitioner under suspension in the light of the petitioner being indulged in malpractice by inserting answer sheets of certain candidates, who had not written examination.

3. The petitioner was placed under prolonged suspension and therefore, the petitioner approached this Court and filed W.P.No.17350 of



2016 for a direction to the University to consider the request of the petitioner and to reinstate him. In the mean time, a charge memo was issued and an Enquiry Officer was appointed and the petitioner has also given his reply.

4. The writ petition filed by the petitioner was disposed of by an order dated 05.05.2016 directing the University to consider the request made by the petitioner. The University declined to consider the request made by the petitioner and rejected the request for revocation of the suspension order and the appeal made by the petitioner was also rejected. Aggrieved by the same, the petitioner filed W.P.No.5617 of 2017, which was allowed. Subsequently, the respondents filed W.A.No.892 of 2017, which was allowed with a direction to the University to review the suspension order within a period of three months.

5. Pursuant to the said order, the respondent passed a non-speaking order rejecting petitioner's request for revocation of suspension order. Challenging the same, the present Writ Petition has been filed before this Court.



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6. The second respondent has filed a counter affidavit. In the counter affidavit, the second respondent has taken a stand that the charges against the petitioner are very serious and that a criminal case is pending against the petitioner and hence, the respondent University is not inclined to revoke the order of suspension and to reinstate the petitioner. Accordingly, the second respondent has sought for the dismissal of this writ petition.

7. Heard Mr.N.Umapathi, learned counsel for petitioner and Mr.Isaac Mohanlal, learned Senior Counsel appearing for respondents.

8. The petitioner was placed under suspension through order dated 04.03.2015. The charge against the petitioner is that while he was working as Helper with the collusion of University officials with a view to attain illegal gain had inserted answer sheets of the persons who had not attended the examination. That apart, eight bundles containing about 1111 answer papers were stolen and thereafter they were sent by courier service to the University. For the very same charge, a First Information Report has been



registered in Crime No.03 of 2015. It is brought to the notice of this Court that the investigation has been completed and final report was filed before the Chief Judicial Magistrate, Cuddalore.

9. The main grievance expressed by the petitioner is that he has been kept under prolonged suspension from the year 2015. Therefore, the petitioner wants the respondent University to consider the revocation of suspension order and to place the petitioner in a non-sensitive post.

10. In the considered view of this Court, going by the nature of allegations that have been made against the petitioner and also considering the fact that a criminal case is now pending trial, it will not be appropriate to take back the petitioner into the University at this stage. The petitioner has to necessarily await for the final result in the criminal case. Hence, this Court does not find any ground to direct the respondent University to revoke the order of suspension passed against the petitioner. In any case, the earlier request made by the petitioner was rejected and the same was confirmed by this Court. It is not as if in every case where there is a prolonged suspension, the same can be interfered. It will depend upon the facts of each case and the severity of charges against the delinquent



employee. In the instant case, it involves the interest of the University where certain serious charges have been made against the petitioner. Therefore, it will not be appropriate to take the petitioner back into service without the petitioner clearing himself in the criminal case.

11. In the light of the above discussion, this Court does not find any ground to grant the relief sought for by the petitioner.

12. Accordingly, this writ petition is dismissed.

No costs.

Consequently, connected miscellaneous petition is closed.

13. However, it is open to the petitioner to submit a representation seeking for subsistence allowance to the University authorities to enable them to take action on the said representation in accordance with law, if subsistence allowance is not paid to him.

12.09.2024

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

pvs



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To

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Annamalai Nagar,
Chidambaram,
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2. The Registrar,
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BATTU DEVANAND.J.,
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