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Writ Petition No.43213 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HON'BLE DR. JUSTICE D.NAGARJUN

Writ Petition No.43123 of 2016

Vinoda Bharatha

...Petitioner

Versus

1.The Union of India,
Ministry of Human Resources Development,
rep.by its Secretary,
302-C, Shastri Bhavan, Rajendra Prasad Road,
New Delhi – 110 115.

2.The Pondicherry University,
rep.by its Registrar,
R.V.Nagar, Kalapet, Puducherry – 605 014.

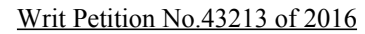
3.The Vice Chancellor,
The Pondicherry University,
R.V.Nagar, Kalapet, Puducherry – 605 014.

4.The Dean,
School of Media & Communication,
Pondicherry University,
R.V.Nagar, Kalapet, Puducherry – 605 014.

5.Dr.R.Sevukan

...Respondents

Prayer: This writ petition is filed under Article 226 of the Constitution of



For Petitioner : Mr.T.M.Naveen & L.Mokesh

For Respondents : Mrs.A.V.Bharathi - R2 – R4
: Mr.M.R.Thangavel – R5
: No Appearance – R1

<https://www.mhc.tn.gov.in/judis>
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This Writ Petition is filed with a prayer to issue a writ of Mandamus directing the Respondent Nos.1 to 4 to take action on the Complaints dated 08.02.2016, 29.02.2016, 08.03.2016 & 11.04.2016 sent by petitioner to initiate disciplinary action against the 5th Respondent for act of Plagiarism committed by him by copying the Research Work-Dissertation Viz. *“ICT Literacy among Library Professionals in Selected Academic Institutions in Pondicherry: A Study”* submitted by petitioner in the Department of Library & Information Science of the 2nd Respondent Central University and Publishing/presenting the said Research Work-Dissertation as his own in his name as “ICT Literacy among Library Professionals in Selected Academic Institutions in Pondicherry: A Study in the Website of the 2nd Respondent University and in the 5th International Conference on Asia-Pacific Library and Information Education & Practice (ALIEP) organized by the Khon Kaen University, Thailand, in accordance with the Administrative Ordinance and Conduct Rules of the 2nd Respondent Central University.

2. Mr.T.M.Naveen & Mr.L.Mokesh, learned counsel for the petitioner submitted that the petitioner has joined and studied the Course namely MLIS PG Degree in the Department of Library & Information



Science of the 2nd respondent Central University. As per the syllabus of the said Course, the students have to do research work and submit the Research Work-Dissertation at the end of the 2nd year. The petitioner has studied the 2nd year of the said course during the academic year 2010-11. The 5th respondent was working as a reader in the Department of Library & Information. He has also given guidance to the petitioner also as a part of his functions as a reader, the petitioner after successful registration in the Department submitted in the Month of April 2011. The 5th respondent as a guide has given a certificate on 13.04.2011 stating that the Research Work-Dissertation submitted by the petitioner is a *bona-fide* work under his guidance. Accordingly the petitioner successfully completed the said course.

3. It is further submitted that the petitioner after completion of the said course has subsequently joined in Tata Consultancy Services at Hyderabad as an Information Analyst. While collecting the material for the said research work, the petitioner intend to prepare a research paper on “ICT Literacy among LIS Professionals of Higher Educational Institutions in Pondicherry, India” and in the course of collecting material for the purpose of said, he was shocked to know that the 5th respondent by



acting immorally and dishonestly taken petitioner's research work and after modifying some paragraphs and changing the title, published the same as it is his own research paper in the website of the University and the petitioner also came to know that the 5th respondent has presented the said paper in the 5th International Conference on Asia Pacific Library and Information Education & Practice (ALIEP) organized by Khon Kean University, Thailand.

4. It is also submitted that similarly the 5th respondent has taken the Research Work-Dissertation of some other student by name as R.Srinivasan, the petitioner has contacted the 5th respondent over phone and inquired about it. He has given an evasive answer and admitted an act of Plagiarism.

5. It is submitted by the learned counsel for the petitioner that the respondent Nos.1 to 4 are bound to initiate disciplinary action against the 5th respondent for the act of Plagiarism committed by him and the petitioner has sent complaints dated 08.02.2016, 29.02.2016, 08.03.2016 & 11.04.2016, but no action was initiated. It is submitted by the learned



counsel for the respondent that the 3rd respondent/ the Vice Chancellor of Pondicherry University has constituted a committee on the very same issue on 12.12.2016 with the internal and external members to find out the facts regarding the plagiarism against the 5th respondent and when the action was about to be taken, the petitioner has approached this Court by way of filing this writ petition, therefore, the University could not proceed further.

6. Heard both sides and perused all the available materials on record.

7. The petitioner wanted an action to be initiated against the 5th respondent by following the procedures on alleged act of Plagiarism. Since the respondent Nos.2 to 4 have also agreed to constitute a high power committee and to consider the petitioner complaint, this writ petition can be disposed without going into the issue whether the 5th respondent has committed Plagiarism.

8. Para No.10 of the counter affidavit filed by the 3rd respondent runs as under:



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“I humbly state that based on the reply received from the 5th respondent the 3rd respondent ordered for the constitution of the committee on 12.12.2016 with Internal and External members to find the facts regarding the complaint filed by the petitioner against the 5th respondent. I further submit that when the action taken by the University was in progress, the petitioner approached the Honourable High Court of Madras for her complaints against the 5th respondent.”

9. It is submitted by the learned counsel for the petitioner that the petitioner is working under Tata Consultancy Services in Hyderabad and thereby requests that during the course of enquiry he may not attend the enquiry physically on account of his nature of work and submitted that he may be permitted to attend the enquiry through video conferencing. The request of the petitioner is very genuine, and the same can be considered.

10. In view of the above discussions, and considering the statements and perusing the records, this writ petition stands disposed by giving direction to respondent Nos.2 to 4 to consider the representations of the petitioners filed on various dates 08.02.2016, 29.02.2016, 08.03.2016 & 11.04.2016 and constitute a committee as submitted in para No.10 of the counter-affidavit and complete the enquiry within a period of four (4) weeks from the date of receipt of copy of this order. The



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respondent Nos.2 to 4 are directed to examine the petitioner through video conferencing if the petitioner is not able to attend in person during the course of enquiry. Accordingly, there shall be no order as to costs.

14.03.2024

Speaking Order : Yes/No

Index Case : Yes/No

Neutral Citation : Yes/No

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To:

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DR.D.NAGARJUN , J.
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