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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.01.2024

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.25627 of 2021

and

WMP.Nos.27054, 27056 & 27059 of 2021

Dr.P.Dhananchezhiyan

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Petitioner

/vs/

1. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore 641 003.
2. The Dean,
Agricultural Engineering College &
Research Institute,
Kumulur, Trichy - 621 712.
3. The Professor and Head,
Department of Farm Machinery and
Power Engineering,
Agricultural Engineering College &
Research Institute, Coimbatore 641 003.
4. The Professor and Head,
Department of Farm Machinery and
Power Engineering,
Agricultural Engineering College
& Research Institute,
Kumulur-621712.

...

Respondents



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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the 2nd Respondent in respect of the proceedings No. Dean (Engg)/ AEC&RI/ Kumulur/ Estt/ Recovery Order/ Dr.P.D/ 2021 dated 16.03.2021 and the consequential proceedings issued by the 3rd Respondent in proceedings No. P&H(FMPE)/ Estt./ Recovery Order/ Dr.P.D/ A.P/ 2021 dated 27.10.2021 and quash the same and pass such further order or orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.Prakash

For Respondents : Mr.M.Vijayamehanath,
standing counsel for TNAU

ORDER

The petitioner has filed this Writ Petition challenging the impugned order of the 2nd Respondent in respect of the proceedings No.Dean (Engg)/ AEC&RI/ Kumulur/ Estt/ Recovery Order/ Dr.P.D/ 2021, dated 16.03.2021 and the consequential proceedings issued by the 3rd Respondent in proceedings No. P&H(FMPE)/ Estt./ Recovery Order/ Dr.P.D/ A.P/ 2021, dated 27.10.2021.



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2. Heard, Mr.S.Prakash, learned counsel for the petitioner and Mr.M.Vijayamehanath, learned standing counsel for the respondents and perused the materials available on record.

3. Mr.S.Prakash, learned counsel for the petitioner submitted that the petitioner is working as an Assistant Professor in the 1st respondent university at Kumulur centre. The recovery order has been passed after giving notice to the petitioner on 04.01.2021 in connection with certain discrepancies in the items purchased under Skill Development Centre operated at Department of Farm Machinery and Power Engineering, AEC&RI, Kumulur. After having received the explanation submitted by the petitioner the second respondent had chosen to issue a recovery order to the tune of Rs.2,97,376/- against the petitioner.

4. The core contention of the petitioner is that the petitioner is not liable to pay the amount shown in the recovery order and that the 2nd respondent is not the appropriate authority to issue any recovery order as per the regulations of the Tamil Nadu Agriculture University.



5. As per the regulations of the Tamil Nadu Agriculture University, the appropriate authority who is competent to issue recovery order would be the Vice Chancellor and not the Dean of the university. Even though the petitioner has been given with an opportunity to make his representation before passing an order for recovery, the 2nd respondent has passed the recovery order, though he is not the competent authority to do the said act.

6. Since the petitioner has challenged the competence of the authority to issue the impugned order and the regulations also confirms that it is not the Dean who is competent to issue the recovery order, I feel it is appropriate to set aside the impugned order on the ground of incompetence alone.

In the result, this Writ Petition is **disposed**. The impugned recovery proceedings No. Dean (Engg)/ AEC&RI/ Kumulur/ Estt/ Recovery Order/ Dr.P.D/ 2021 dated 16.03.2021 passed by the 2nd respondent and the consequential proceedings issued by the 3rd Respondent in proceedings No. P&H(FMPE)/ Estt./ Recovery Order/ Dr.P.D/ A.P/ 2021 dated 27.10.2021 are quashed. The matter is remitted back to the 2nd respondent to moot the file to the Vice Chancellor of the University in order take a decision in respect of the recovery



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and pass orders after appreciating the materials placed before him. If the petitioner is aggrieved over the decision taken by the Vice Chancellor, he is at liberty to make appropriate Appeal before the Appropriate Authority. No costs. Consequently, connected miscellaneous petitions are closed.

05.01.2024

Index : Yes/No
Internet : Yes/No
Speaking:Non-Speaking
Netural:Yes/No

jrs



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R.N.MANJULA, J.

jrs

To

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