



W.A.(MD)No.1724 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A.(MD)No.1724 of 2024

R.Srikumar

... Appellant

-VS-

- 1.The Bharathidasan University,
Rep. by its Vice Chancellor,
Tiruchirappalli - 620 024.
- 2.The Senate Committee,
Bharathidasan University,
Tiruchirappalli – 620 024.
- 3.The Registrar,
Bharathidasan University,
Tiruchirappalli – 620 024.
- 4.A.Pannerselvam,
Research Supervisor,
A.Veeriya Vandayar Memorial Sri Pushpam College,
Poondi – 613 503,
Thanjavur District.



W.A.(MD)No.1724 of 2024

WEB CONTENT

- 5.N.Thajuddin,
Professor of Microbiology,
Department of Microbiology,
Bharathidasan University,
Tiruchirappalli – 620 024.
- 6.The Principal,
A.Veeriya Vandayar Memorial
Sri Pushpam College,
Poondi – 613 503,
Thanjavur District.
- 7.D.Dhanasekaran,
Assistant Professor,
Department of Microbiology,
Bharathidasan University,
Tiruchirappalli – 620 024.
- 8.The Enquiry Committee,
By its Convener,
Bharathidasan University,
Tiruchirappalli – 620 024.
- 9.G.Muralitharan,
Assistant Professor,
Department of Microbiology,
Bharathidasan University,
Tiruchirappalli – 620 024.
- 10.The Controller of Examinations,
Bharathidasan University,
Tiruchirappalli – 620 024.

... Respondents



W.A.(MD)No.1724 of 2024

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 31.10.2023, passed in W.P.(MD)No.10774 of 2014, on the file of this Court.

For Appellant : Mr.K.K.Senthilvelan
Senior Counsel
for Mr.V.S.Kumaraguru

For R1 to R3, R8 & R10 : Mr.VR.Shanmuganathan
Standing Counsel

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The challenge in this Writ Appeal is to the order of the learned Single Judge, dated 31.10.2023, made in W.P.(MD)No.10774 of 2014.

2. The claim of the appellant is that the seventh respondent, who has been appointed as Assistant Professor / Lecturer in the respondent University with effect from 2008, has not done his Ph.D. as a full-time course, but he has done it as a part-time course.

3. Challenging the enquiry report, dated 15.05.2013, the appellant filed the Writ Petition in W.P.(MD)No.10774 of 2014. The said Writ Petition was dismissed by the Writ Court on the grounds that the appellant did not challenge



W.A.(MD)No.1724 of 2024

the original appointment of the incumbent in the year 2008 and that the seventh respondent has obtained Ph.D. after undergoing a full-time course.

4. Mr.K.K.Senthilvelan, learned Senior Counsel appearing for the appellant would, however, draw our attention to the explanation submitted by the seventh respondent, wherein, according to the learned Senior Counsel, the seventh respondent himself has admitted that he has done Ph.D. under part-time basis. Reliance is placed upon the following paragraph in the explanation submitted by the seventh respondent.

"I have not done anything with the intention to violate the norms of our University during my research period. After joining full time Ph.D. at the Dept. of Botany and Microbiology, AVVM Sri Pushpam College, I requested (25.06.2003) the University, with the recommendations of the Doctoral Committee to convert my full time Ph.D. into Part time Ph.D. All the documents produced by me clearly prove the fact that I did my Ph.D. under part time without violating the University norms. The objection that I did my Ph.D. under full time is baseless and wrong."



W.A.(MD)No.1724 of 2024

WEB COPY

5. A reading of the above shows that there is a clear mistake in the language used. The seventh respondent states that he initially joined a full-time Ph.D. course and requested to convert it to part-time, but this request was not granted; therefore, he completed the course only as a full-time scholar. The last part of the statement is obviously an error.

6. Apart from that, the Enquiry Committee, which was constituted by the University to go into the question, has gone into the question and concluded that the seventh respondent has completed his Ph.D. as a full-time scholar, not as a part-time scholar. The dates of the examinations underwent by the seventh respondent are detailed in the report of the second Committee, which went into the issue. The appellant is not alleging any *mala fides* against the Committees, which had enquired into the issue. We, therefore, find no merit in the appeal. The Writ Appeal fails and it is accordingly, dismissed. No costs.

NCC : Yes / No
Index : Yes / No
smn2

[R.S.M., J.] [L.V.G., J.]
26.09.2024



WEB COPY



W.A.(MD)No.1724 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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W.A.(MD)No.1724 of 2024

26.09.2024