



W.P.(MD).No.8996 of 2021

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.07.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.8996 of 2021**

**and**

**W.M.P.(MD)No.7737 of 2022**

P.Rajesh Prasanna

... Petitioner

**Vs.**

The Anna University,  
Rep. by its Registrar,  
Chennai.

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Memo No.CFL/UCE-BIT-T/PR26/2020 dated 09.04.2021 by the respondent and quash the same as illegal and consequently direct the respondent to allow the petitioner to perform his service in the department of civil engineering which was suspended by the respondent with effect from 29.01.2013 without following the due process of law.

For Petitioner : Mr.L.George Paul Anto

For Respondent : Mr.E.V.N.Siva,  
Standing Counsel



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## **ORDER**

The prayer of the writ petition is as follows:

This writ petition has been filed to quash the impugned Memo dated 09.04.2021 by the respondent and consequently directing the respondent to allow the petitioner to perform his service in the Department of Civil Engineering which was suspended by the respondent with effect from 29.01.2013.

2. The facts and circumstances which led to the filing of this writ petition is as follows:

2.1. The petitioner has completed Post Graduation and Ph.D in Civil Engineering. The petitioner initially joined service as a Lecturer (Selection Grade in the Department of Civil Engineering cum Estate Officer) at Anna University of Technology, Trichy, as per order dated 16.05.2007 and given extension every six months and the petitioner was also redesignated as Assistant Professor and was also allowed to continue as Assistant Professor cum Estate Officer by granting extension every six months. The Anna University of Technology, Trichy, issued an open advertisement calling



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applications for filling up of sanctioned and regular posts of Assistant Professors in various departments including the Department of Civil Engineering. The petitioner applied for the above post and got selected and also joined as an Assistant Professor on 17.08.2009 on a regular basis in a sanctioned post. The petitioner was appointed as an Estate Officer of Anna University of Technology, Trichy, for a period of three years and the petitioner took over the charge on 22.07.2019 as an Estate Officer and continued service as an Assistant Professor cum Estate Officer. Thereafter, as per the resolution passed by the Syndicate of Anna University of Technology, Trichy, the petitioner was appointed as Professor cum Estate Officer, by order dated 23.05.2011.

2.2. Due to health condition, the petitioner submitted resignation dated 07.10.2011 and vide letter dated 09.01.2012, he sought for relieving him from the University service. However, the Registrar of Anna University of Technology, Trichy, directed him to assist the Monitoring Committee by letter dated 11.01.2012 and informed him that relieving order would be issued after the approval of the Syndicate. However, no relieving order came to be passed



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and he continued in service as an Estate Officer in the respondent University.

While so, on 29.01.2013, he was suspended from service, following which, he was visited with a charge memo dated 29.01.2013 and an Enquiry Officer was also appointed. The aforesaid Enquiry Officer, namely, C.Shanmuga Sundaram, Joint Secretary to Government (Retired) on enquiry of the charges against the petitioner felt that the charges framed against him were general in nature without mentioning any specific incident. For which, he required the management to show the records based on which the charges were framed and further adjourned the enquiry. Thereafter, on 17.08.2017, the enquiry was further concluded by the Enquiry Officer, however, no report was filed by the Enquiry Officer. During the period of suspension from 2013 - 2017, the petitioner was provided with subsistence allowance, thereafter, the payment of subsistence allowance was not paid to the petitioner by the respondent University. While so, on 30.09.2020, the petitioner was visited with a show cause notice with several allegations particularly claiming that he had resigned his post as early as on 07.10.2011 and called him for submitting explanation as to why his service should not be terminated. In the meanwhile, the Government, vide G.O.R.T.No.91 of the Higher Education (I1) Department dated 14.07.2017



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constituted a committee to examine the improper appointment of both the teaching and non teaching staff made by erstwhile Anna University of Technology and directed the committee to submit a report to the Government with respect to the same. Pursuant to the same, a recommendation dated Nil came to be submitted before the Government by the committee constituted, to examine the improper appointment of teaching and non teaching staff in the respondent University, in which, the annexure to the said recommendation a committee in serial No.36 of its recommendation had concluded that the appointment of the petitioner to the post of Estate Officer in a non teaching post and thereafter, redesignating him as Professor-cum-Estate Officer is invalid. Based on the said recommendation, concluding the appointment of the petitioner as invalid, the impugned order dated 09.04.2021, terminating the petitioner from service finally came to be issued. Challenging the same, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner Mr.George Paul Anto submitted that, the so-called recommendation made by the committee constituted to examine the issues on the improper appointments of teaching and



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non teaching staffs in the respondent University, vide G.O.R.T.No.91 of the Higher Education (I1) Department dated 14.07.2017 came to be quashed, by the order of this Court in W.P.No.7140 of 2020 batch, by an order dated 30.01.2024 with certain directions to the respondent University. On that basis, he pressed that the impugned order which was passed by the respondent University terminating him from service, following which, the recommendations of the aforesaid committee is *per se* illegal and pressed for allowing the writ petition.

4. Per Contra, the learned Standing Counsel appearing for the petitioner Mr.E.V.N.Siva submitted that, on the date of the impugned order, that is, on 09.04.2021, the order of termination passed by the respondent University on the basis of the committee constituted under G.O.R.T.No.91 of the Higher Education (I1) Department dated 14.07.2017, holds good and there is no infirmity. Further more, following the charges with which the petitioner was visited on 29.01.2013, following which, the Enquiry Officer was also appointed by the respondent University and an elaborate enquiry has been conducted and concluded on 17.08.2017 and the report of the Enquiry Officer is awaited. If at



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all this Court finds that the impugned order has to go, the respondent University may be given liberty to proceed against the petitioner in the manner known to law in terms of the pending charge memo dated 29.01.2013.

5. Heard, the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent. Carefully perused the materials available on record.

6. Considering the fact that this Court has already quashed the report of the committee constituted, vide G.O.R.T.No.91 of the Higher Education (I1) Department dated 14.07.2017, I am inclined to extract the relevant portion of the said order. The relevant portion of the same is extracted as follows:

*“(i) to issue orders to all those regular employees who have been working in the erstwhile unamalgamated Anna Universities of Technology for allotting them either to the amalgamated Anna University of Technology, other educational institutions or Government departments, depending on the vacancy position with continuity service and all other consequential and attendant benefits.*



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*(ii) While doing so, if any difficulties or discrepancies are encountered due to any difference in giving the job title, appropriate orders for re-designation shall be issued with due pay protection.”*

7. In view of the same, I have no hesitation to quash the impugned order of termination dated 09.04.2021, vide impugned Memo No.CFL/UCE-BIT-T/PR26/202 and consequently, the respondent University is directed to allow the petitioner to perform his service which he served on the date of suspension with effect from 29.01.2013. However, giving liberty to the respondent University to proceed with the departmental enquiry based on the awaited enquiry report in charge memo dated 29.01.2013 in accordance with law, in case of misconduct, if any. However, it is made clear that the petitioner is entitled to all monetary benefits and other service benefits in terms of the prevailing rules and regulations.

8. Accordingly, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**01.07.2024**



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NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
Sml

To

The Anna University,  
Rep. by its Registrar,  
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**L.VICTORIA GOWRI, J.**

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