



W.P.(MD)No.16495 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16495 of 2024

K.Pushpanathan

... Petitioner

Vs.

1.The Director (Research),
Bharathidasan University,
Tiruchirappalli-620 024.

2.The Registrar,
Bharathidasan University,
Tiruchirappalli-620 024.

3.The Chairman/Members,
Institutional Academic Integrity Panel (IAIP),
Bharathidasan University,
Tiruchirappalli-620 024.

4.Prof.Dr.K.Jeganathan

5.Prof.Dr.S.Srinivasaragavan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to furnish the copy of the complaints of the external examiner, copies of the thesis evaluation report, Scientific Evidence of Plagiarism Report and IAIP Committee, Inquiry Report in terms of Clause II (vii) of the University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018 by considering the petitioner's representation



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dated 25.06.2024 and 06.07.2024 within the period that may be stipulated by this Court.

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For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For R1 to R3 : Mr.VR.Shanmuganathan
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking direction to the respondent to furnish a copy of the complaint of the external examiner, copies of the thesis evaluation report, Scientific evidence of plagiarism report and IAIP committee enquiry report in terms of Clause II (vii) of the University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018 by considering the petitioner's representation dated 25.06.2024 and 06.07.2024 within the period that may be stipulated by this Court.

2.Heard Mr.V.Venkaesh Kumar, learned counsel for the petitioner and Mr.VR.Shanmuganathan, learned Standing Counsel for the respondents 1 to 3.

3.The petitioner, who is an Associate Professor in the Post Graduate and Research Department of Physics at Government Arts College (Autonomous),

Karur affiliated to the second respondent, has been debarred from acting as a



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Research Guide for a period of three years on the allegation of plagiarism.

Contending that the copies of the necessary particulars to defend his case effectively has not been furnished, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner submitted that he is a Research Advisor from the Bharathidasan University, Tiruchirappalli. On the allegation of plagiarism, the petitioner was called upon for an enquiry on 16.10.2023 and thereafter, an order came to be passed on 15.02.2024 cancelling the research advisorship. He submitted that as per the guidelines of the University Grants Commission, the departments of Higher Education Institution shall notify a Departmental Academic Integrity Panel and Institution Academic Integrity Panel. The first and second respondents have not constituted the Departmental Academic Integrity Panel in accordance with the regulations and action has been taken against the petitioner, directly by the Institutional Academic Integrity Panel without furnishing him necessary documents pertaining to the allegations made against him.

5.The learned counsel for the petitioner further submitted that earlier he has filed a writ petition challenging the order of stoppage of two successive increments and cancellation of his research advisorship in W.P.(MD)No.1566 of 2023 on the ground that no opportunity of hearing was given to the petitioner



before passing such order. This Court by an order dated 01.03.2023, remanded the matter back to the original authority in the said observation. In pursuant to the directions issued by this Court, the petitioner was called upon to appear for enquiry and thereafter, the present impugned order has been passed. Even though an enquiry was conducted, the petitioner was not given with any copies of the documents with regard to the allegations made against him.

6.The learned standing counsel for the respondent submitted that the action has been taken only in accordance with University Grants Commission by giving a fair opportunity to the petitioner. Further, in the earlier writ petition filed by the petitioner in W.P.(MD)No.1566 of 2023 seeking the very same relief, this Court by an order dated 01.03.2023, has observed as follows:

“3. The learned counsel for the petitioner would submit that mechanically without providing any opportunity, the third respondent has passed the impugned order based on the resolution, which is not sustainable one hence, prays for appropriate direction.

4. The learned standing counsel would fairly submit that the present impugned order is passed without hearing the petitioner and this Court may pass appropriate orders.

5. Considering the said submission made by the learned standing counsel, this writ petition is allowed and the impugned order is set aside and the matter is remanded back to the respondents for fresh consideration and the respondents are directed to hear the petitioner and pass appropriate orders. No costs. consequently connected Miscellaneous Petitions are closed.”



7. In pursuant to the above orders of this Court, an enquiry has been conducted in accordance with the UGC regulations and the principles of natural justice and the impugned order dated 15.02.2024 has been passed by revoking the research advisorship of the petitioner and barring the petitioner from guiding the students for a period of three years. He was also given with the punishment of stoppage of increment for a period of one year without cumulative effect with an additional direction to withdraw the papers, which is alleged to have plagiaristic contents. In fact, in the earlier order dated 01.03.2023 itself, it has been observed that the action has been taken based on the complaint given by the external examiner.

8. The petitioner is said to have sought the following documents:

- (i) *a copy of the inquiry report;*
- (ii) *a copy of the complaint made by the external examiner;*
- (iii) *scientific evidence of plagiarism certificate for the thesis contains more than 65% plagiarism;*
- (iv) *scientific evidence of plagiarism certificate for the publication that contain plagiarism more than 90%.*

9. Unless the petitioner is given with the copy of the complaint given by the External Examiner, which causes the impugned decision along with the materials listed above, the petitioner cannot effectively canvas his case before the Commission as well as before this Court.



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10. Since the petitioner has a valid request for getting the copies of the materials, by which the impugned order has been passed against him, I feel that it is appropriate to direct the respondent to furnish the documents required by the petitioner. In that event, if any documents are not feasible to be provided to the petitioner, the respondent shall assign reasons as to why it could not be furnished to the petitioner. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. No costs.

31.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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Bharathidasan University,
Tiruchirappalli-620 024.
2. The Registrar,
Bharathidasan University,
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3. The Chairman/Members,
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R.N.MANJULA, J.

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