



W.P.(MD)No.19438 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.19438 of 2021

Dr.Vinod Vincent Rajesh

... Petitioner

Vs.

The Manonmaniam Sundaranar University,
Represented by,
The Registrar,
Abishekapatti,
Tirunelveli – 627012.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to promote him for the post of Associate Professor of History Department on the light of the U.G.C. Guidelines No.F.1-2/2009 (EC/PS)V(i)Vol-II, dated 13.06.2014 based on his representations dated 02.07.2018, 07.12.2018, 10.10.2019, 05.03.2021, 18.03.2021, 25.03.2021 and 16.08.2021.

For Petitioner	: Mr.Prasanna Rajadurai
For Respondent	: Ms.H.Jasima Yasmin
	For M/s.Ajmal Associates

ORDER

This Writ Petition has been filed, to direct the respondent to promote him for the post of Associate Professor of History Department on the light of the U.G.C. Guidelines No.F.1-2/2009 (EC/PS)V(i)Vol-II, dated 13.06.2014 based on his representations dated 02.07.2018, 07.12.2018,



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10.10.2019, 05.03.2021, 18.03.2021, 25.03.2021 and 16.08.2021.

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2.The petitioner joined as a Lecturer (substitute), under a Faculty Development Programme, at St.Joseph's College, Trichy, from 23.11.2004 to 22.11.2005. Thereafter, on 02.01.2006, he joined the Department of History in the respondent University. Presently he is serving as an Assistant Professor in the respondent University, Sankarankovil. The petitioner has made several representations seeking to promote him to the post of Associate Professor of History Department in the light of UGC guidelines dated 13.06.2014 and the last of which, on 05.03.2021, 18.03.2021, 25.03.2021 and 16.08.2021. However, the same were not considered. Hence, the Writ Petition came to be filed.

3.The learned counsel appearing for the petitioner submitted that in view of the unblemished teaching service rendered by the petitioner for the past more than 17 years, the respondent ought to have considered his candidature to be promoted to the post of Associate Professor in the History Department and pressed for allowing the Writ Petition.

4.Per contra the learned counsel appearing for the respondent submitted that the petitioner was suspended on 20.08.2015 and following which, he was visited with a charge memo on 28.08.2015, which culminated into punishment of treating the suspension period as a non



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duty period and postponement of increment for a period of two years with cumulative effect. The aforesaid charge memo was with respect to allegation of sexual harassment at workplace. In the meanwhile, the defacto complainant preferred a Writ Petition in W.P.(MD)No.4190 of 2016 before this Court, seeking to direct the first respondent therein to lodge a complaint with the third respondent therein and consequently to direct the third respondent therein to register a complaint and investigate the same in accordance with law. This Court by its order dated 24.01.2020, directed the respondent University to prefer a complaint as against the petitioner with respect to the sexual harassment complaints, received by the University from the victims. Following which, the respondent has lodged a complaint before the jurisdictional police station and Crime No.80 of 2020, came to be registered, which culminated in a criminal case in C.C.No.1449 of 2022 on the file of the Additional Mahila Court, Tirunelveli and the same is pending. In view of the same, unless and until, the said case is finally disposed of in favour of the petitioner, the case of the petitioner cannot be considered for promotion.

5.Heard the learned counsel for the petitioner, the learned counsel for the respondent and carefully perused the materials available on record.



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6.Considering the submission made by the learned counsel for the respondent, this Court hereby directs the petitioner to give a fresh representation after the conclusion of the pending criminal case as against him before the Additional Mahila Court, Tirunelveli and on the receipt of the same, the respondent University may pass appropriate orders in accordance with law.

7.In view of the above, the Writ Petition stands disposed of. There shall be no order as to costs.

24.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

The Judge, Additional Mahila Court, Tirunelveli.



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L.VICTORIA GOWRI, J.

Mrn

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