



W.P.(MD).Nos.19478 & 22077 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.19478 & 22077 of 2023

and

W.M.P(MD).Nos.16106, 16108, 16109, 18405 & 18406 of 2023

C.Swarnalatha

... Petitioner in both W.Ps'

VS

The Registrar,
Anna University,
Chennai.

... Respondent in both W.P.s'

PRAYER in W.P.(MD).No.19478 of 2023: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the impugned order of suspension in Memo No.CFL/RO-MAD/PR26/2018 dated 27.12.2018 on the file of the respondent and quash the same.

PRAYER in W.P.(MD).No.22077 of 2023: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records relating to the proceedings of the impugned charge memo No.CFL/RO-MAD/PR26/2018 dated 21.05.2019 and Enquiry Report dated 31.12.2019 and the consequential show cause notice in memo No.CFL/RC-MDU/PR26/2023 dated 25.08.2023 on the file of the respondent and quash the same.



W.P.(MD).Nos.19478 & 22077 of 2023

(In both W.Ps.)

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondent : Mr.E.V.N.Siva
Standing Counsel

COMMON ORDER

These instant writ petitions have been filed by a former Dean, Regional Campus and Zonal Coordinator of Respondent university, challenging the order of suspension, charge memo, enquiry report and the 2nd show cause notice issued to the Writ Petitioner.

2. The petitioner was placed under suspension by way of an order, dated 27.12.2018, alleging that she had committed malpractice by way of tampering OMR sheets. The petitioner was issued with the charge memo on 21.05.2019 and after detailed enquiry, a report was submitted on 31.12.2019. The petitioner was originally issued with 2nd show cause notice on 30.06.2023 proposing that the petitioner will be imposed with a punishment of compulsory retirement. However, the said memo was withdrawn under the impugned order dated 25.08.2023, wherein, the petitioner was issued with a



W.P.(MD).Nos.19478 & 22077 of 2023

WEB COPY

fresh 2nd show cause notice directing her to submit her explanation within a period of ten days. Citing the pendency of this writ petition, the petitioner is yet to submit her explanation to the 2nd show cause notice dated 25.08.2023.

3. It is the contention of the learned Counsel appearing for the Petitioner that the petitioner is under prolonged suspension from December 2018 onwards. She is innocent, and a charge memo has been issued by falsely implicating her for certain misconduct. According to the petitioner, the enquiry has not been conducted properly, and in respect of the 2nd show cause notice dated 25.08.2023, there is a reference about the 1st show cause notice, wherein, the proposed punishment of compulsory retirement is mentioned. On these grounds, these writ petitions have been filed.

4. Per contra, the learned Standing Counsel appearing for the respondent university submits that the pending enquiry, arising out of the first charge memo, a 2nd charge memo has been issued to the writ petitioner on 23.12.2021. In view of the various financial irregularities and the fact that the petitioner has also submitted her explanation, enquiry is continuing, the university would like to consolidate these two charges and issue a



W.P.(MD).Nos.19478 & 22077 of 2023

consolidated punishment order. So far, punishment order has not been issued in the enquiry arising out of charge memo dated 21.05.2019.

5. This Court is of considered opinion that in the impugned 2nd show cause notice dated 25.08.2023, the previous 2nd show cause notice has already been re-called. In the impugned show cause notice, there is no reference about the proposed punishment. Hence, the petitioner is directed to submit her explanation within a period of three weeks from the date of receipt of a copy of this order. On receipt of such explanation, the respondent university is directed to pass final orders within a period of four weeks thereafter.

6. As far as the 2nd charge memo, dated 23.12.2021, is concerned, it is for the authorities to continue the enquiry proceedings and complete the same on or before 31.03.2025. As and when the final orders are passed in the enquiry arising out of charge memo dated 21.05.2019, the suspension order shall be reviewed by the authorities and the orders shall be passed accordingly. The respondent university is directed to disburse the eligible subsistence allowance to the writ petitioner before proceeding with the 2nd charge memo.



W.P.(MD).Nos.19478 & 22077 of 2023

WEB COPY

7. With the above observation, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn

To

The Registrar,
Anna University,
Chennai.



WEB COPY



W.P.(MD).Nos.19478 & 22077 of 2023

R.VIJAYAKUMAR,J.

gvn

W.P(MD)Nos.19478 & 22077 of 2023

21.10.2024