



WP NO. 1679 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

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THE HONOURABLE MRS JUSTICE N. MALA

WP No. 1679 of 2021

and

WMP.Nos. 1880,1881, 1883 and 1886 of 2021

V.Dhanasekaran, MSc, M.Phil

..Petitioner

Vs

1. The Register
Anna University, Guindy Campus,

Chennai-25.

2. The Principal
SRM Valliammai Engineering College,
SRM Nagar, Kattankulathur-603 203

3. Dr.B.Chidambara Rajan
The Principal, SRM Valliammai Engineering College,
SRM Nagar, Kattankulathur 603203

..Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India praying for issuance of writ of certiorari, calling for the record of the 2nd respondent pertaining to the order dated 10.10.2020 in Lr.No. VEC/Order/Maths/2020/85 and quash the same and pass such further or other orders.

For Petitioner: Mr.V.Nandagopalan

For Respondent: M/s. L.P. Shanmugasundaram - R1
M/s. B. Saraswati – R2 & R3



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ORDER

The petitioner, while working as an Assistant Professor at SRM Valliammai Engineering College, was issued a warning note by the 2nd respondent, on 18.09.2020, for allegedly failing to evaluate the answer scripts properly and for awarding marks liberally to students. Subsequently, two charge memos were issued to the petitioner one by the 2nd respondent on 20.09.2020, and another by the Controller of Examinations on 30.09.2020. Thereafter, the 2nd respondent passed the impugned order dated 10.10.2020, dismissing the petitioner from service. Challenging the said dismissal order, the present writ petition has been filed.

2. The respondents filed a detailed counter affidavit, stating interalia that the petitioner received several memos over a period of time for poor performance, disproportionate awarding of marks, and unfair evaluation practices. It was submitted that the petitioner accepted those memos without protest, acknowledged his mistakes, and assured the authorities that he would not repeat them. However, the petitioner failed to improve his performance despite repeated the opportunities given to him. Finally, the respondent-



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institution decided to terminate the petitioner's services in accordance with Clause 7 of the appointment order, which clearly provided that *"if the administration is not satisfied with an employee's performance, it is entitled to terminate the services of such employee."* Thus, it was submitted that the impugned dismissal order was legal and valid, and the writ petition was liable to be dismissed.

3. Heard both sides and perused the materials available on record.

4. Admittedly, the petitioner was appointed as Assistant Professor (Ordinary Grade) in the department of Mathematics, in the 2nd respondent institution, under certain terms and conditions. Clause 7 of the appointment order explicitly states: "In case the administration is not satisfied with his performance, one month's notice will be given to him before terminating his services in this College. Resignation in the middle of the Academic Year will not be permitted."

5. It is evident from the typed set of papers filed by the respondents that the petitioner was issued multiple charge memos over the years. All the charge memos were issued for poor and unsatisfactory performance of the petitioner.



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The petitioner's salary increment was also withheld on three separate occasions in accordance with institutional norms. The petitioner was repeatedly advised by the respondent-institution to take serious and sincere efforts to improve his academic and professional performance in the coming years, failing which, he was warned that, he would have to face stringent action.

6. The documentary evidence submitted by the respondents includes communications between the petitioner and the institution dating back to 2012. These communications pertain to several warnings, adverse remarks and denial of increments. The aforesaid communications culminated in the impugned dated 10.10.2020, of the 2nd respondent.

7. I have perused the dismissal order dated 10.10.2020 issued by the 2nd respondent and find that it has been passed strictly in accordance with Clause 7 of the petitioner's appointment order. Notably, the petitioner has not disputed the applicability or validity of the said clause in his writ petition.

8. Under the facts and circumstances of the present case, and in light of the repeated charge memos, prolonged poor and unsatisfactory performance of the petitioner, and the express provision of Clause 7 of the appointment order, I



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find no illegality or infirmity in the impugned dismissal order passed by the 2nd respondent. In my view, the respondent-institution has not acted arbitrarily; rather, the termination order was passed after several warnings and other minor punishments like withholding of increments etc. The petitioner had been given ample opportunity to mend his performance. The procedural fairness of the termination process, appears to have been maintained. Therefore, I am of the considered view that the writ petition lacks merit and does not warrant any interference under Article 226 of the Constitution of India.

9. Accordingly, the writ petition is dismissed as devoid of merits. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

22-04-2025

Index: Yes/No
Internet : Yes/No
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To
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