



W.P.No.29640 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.29640 of 2019 and
W.M.P.No.29538 of 2019

Dr.C.Balakrishnamurthy

... Petitioner

Vs.

1.The Director of Collegiate Education,
College Road, Chennai 600 006.

2.The Joint Director of Collegiate Education,
Race Course Road, Next to Income Tax Office,
Race Course, Coimbatore - 641 018.

3.The Secretary,
P.S.G.College of Arts & Science,
Civil Aerodrome Post,
Coimbatore - 641 014.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the third respondent in his proceedings office order dated 11.10.2019 and quash the same and consequently, direct the respondents to permit the petitioner to function as Head of the Department of Psychology in the third respondent's College.



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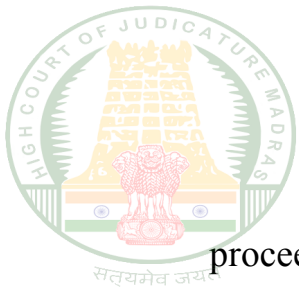
For Petitioner : Ms.R.Preethikaa for
Mr.D.R.Arunkumar
For Respondents : Mr.S.Arumugam, GA for R1
Mr.R.Bharanidharan,
Standing Counsel for R2 & R3

ORDER

This Writ Petition has been filed to call for the records in pursuant to the impugned order passed by the third respondent in his proceedings dated 11.10.2019 and quash the same and consequently, direct the respondents to permit the petitioner to function as Head of the Department of Psychology in the third respondent's College.

2. Heard Ms.R.Preethikaa, learned counsel for the petitioner, Mr.S.Arumugam, learned Government Advocate for R1 and Mr.R.Bharanidharan, learned Standing Counsel for R2 & R3 and perused the materials available on record.

3. The petitioner has been posted as Head of the Department (hereinafter referred to as HOD) of Psychology Department in the third respondent College on 01.06.2017. He has been given with the

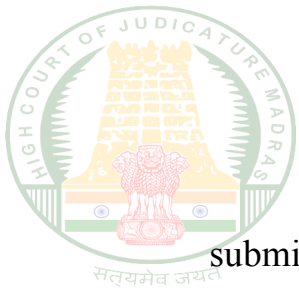


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proceedings dated 09.10.2019 calling for explanation on certain allegations made against him. Pending the proceedings, the petitioner was reversed as an Assistant Professor and he was asked to handover the charge to his junior Dr.T.Jothimani. As the impugned order reversing the petitioner has been passed without following due process of law, the petitioner has filed this Writ Petition challenging the impugned order.

4. The learned counsel for the petitioner submitted that the petitioner being the senior most, has been appointed as HOD. He ought not have been reversed as Assistant Professor without that being an order of punishment against any proved charges. It is further submitted that he has been reversed to the post of Assistant Professor without giving him any opportunity and that is against the principles of natural justice.

5. The third respondent is an educational institution. The petitioner has been working in the Psychology Department. Even the third respondent did not deny the fact that the petitioner has been given with the post of HOD by considering his seniority in the Department. But, it is



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submitted by the learned Standing Counsel for the third respondent that after the petitioner was posted as HOD, various allegations have been received from the faculty as well as the students and the students had expressed some insecurity and they have been victimised at the hands of the petitioner. As an urgent measure, the third respondent asked the petitioner to handover the charge of HOD to the other Assistant Professor Dr.T.Jothimani. The petitioner had also accepted the same and handed over the charges and thereafter, he raised objections by filing this Writ Petition stating that he was not given with an opportunity of hearing.

6. There is no quarrel on the point that the senior most person in the Department can hold the post of HOD and the provision in this regard has also been complied by the third respondent college. The third respondent was compelled to take action against the petitioner as there was lot of allegations received against him and the college administration has bounden duty to raise up to the occasion. Only in that compelling situation, the petitioner was allowed to continue as an Assistant Professor instead of HOD.



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7. The learned counsel for the petitioner further submitted that the reversion had happened without any enquiry and is in violation of the principles of natural justice.

8. In the educational institution when a sensitive issues like the students issues are made and the students have expressed insecurity due to victimisation at the hands of any faculty, the rightful course open to the college administrative committee is to initiate an enquiry. It is also not beyond the authority of the college administrative committee to put the concerned person under suspension, if needed till the enquiry is completed.

9. In the instant case, though the allegations made against the petitioner were very sensitive in nature, the third respondent did not choose to place the petitioner under suspension. Instead, the petitioner was asked to hand over the charges of HOD to other faculty.

10. It is further submitted by the learned Standing Counsel for the third respondent that the position of HOD is only a position and it does



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not carry any raise in pay and he is not superior to the other faculty in the department. Hence, handing over of charge to other faculty cannot be considered as a reversion.

11. In fact, the petitioner has filed a miscellaneous petition in W.M.P.No.29538 of 2019 to stay the order to step down from acting as HOD and in which, an interim order has been issued on 17.10.2019. As the order has not been complied, the petitioner has also initiated a contempt proceedings in Cont.P.No.1017 of 2020. During the contempt proceedings, it was brought to the knowledge of the Court that the respondents have filed a petition to vacate stay in view of the sensational situation in the college and disturbance among the students. Considering the same, the contempt action has been closed. That would only show that the interim order has lost its significance and both the miscellaneous petitions filed for granting an order of stay and for vacating the stay would merge in the final hearing of the Writ Petition itself. No doubt the petitioner has been issued with show cause calling for explanation on 09.10.2019. The petitioner also made his representation on 10.10.2019



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and these facts were not disputed. He has given a request for perusing certain documents for giving his explanation.

12. It is submitted by the learned counsel for the petitioner that the third respondent is not an appropriate person who can reverse the petitioner from HOD to Assistant Professor and the rightful authority would be the second respondent. When the petitioner was posted as HOD it was not approved by the second respondent and hence, the second respondent has not entered the picture. As the third respondent has issued an order for the petitioner to function as HOD, he himself has issued an order asking him to step down in view of the varied circumstances faced by the college.

13. The learned Standing Counsel for the third respondent further submitted that in view of the pending Writ Petition, disciplinary action is pending and it has not yet progressed.

14. The learned counsel for the petitioner has also submitted that the respondents are making inordinate delay despite four years lapsed after filing this Writ Petition.



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15. Even the petitioner was not particular in seeking any interim direction to complete the disciplinary proceedings, if any, in a fixed time frame. In fact, the petitioner has not submitted his explanation so far and he only requested some time to peruse the documents. As an urgent and interim measure, the petitioner was asked to step down from the post of HOD and to act as Assistant Professor by handing over the charge to Dr.T.Jothimani.

16. Now, it is learnt that the principal who is senior than the petitioner himself has been given with the additional charge of HOD. Hence, there is no need for the petitioner to work under any junior. The third respondent did not intend to place the petitioner under suspension but tried to balance the extraordinary situation by changing the HOD.

17. It would have been appreciated if the third respondent has completed the disciplinary proceedings at the earliest in order to get findings on the allegations made against the petitioner. Hence, I feel it is appropriate to give a direction to the third respondent to conclude the



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disciplinary proceedings, if any, against the petitioner after getting his explanation.

18. In view of the above stated reasons, this Writ Petition is disposed and the petitioner is given with liberty to file his explanation within a period of four weeks from today and the respondents shall allow him to peruse the documents which he had sought to be perused and thereafter, complete the enquiry proceedings, if thought it, within a period of three months. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

03.04.2025

Speaking / Non-speaking

Neutral Citation : Yes / No

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NOTE : Issue order copy on 04.04.2025.



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R.N.MANJULA, J.

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To

- 1.The Director of Collegiate Education,
College Road, Chennai 600 006.
- 2.The Joint Director of Collegiate Education,
Race Course Road, Next to Income Tax Office,
Race Course, Coimbatore - 641 018.
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