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W.P.Nos.32975 & 33716 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.32975 & 33716 of 2025

and

W.M.P.Nos.36981, 36983, 36985, 37827 & 37829 of 2025

Dr.T.Periasamy

... Petitioner in both
W.Ps.

Vs.

1. The Periyar University,
Rep. By its Vice Chancellor,
Periyar Palkalai Nagar,
Salem – 636 011,
Tamil Nadu.

2. The Registrar,
Periyar University,
Salem – 636 011.

... Respondents in
both W.Ps.

Prayer in W.P.No.32975 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records of the impugned communication issued by the second respondent dated 01.08.2025 vide No.PU/R/R5/Enquiry/48/2025-5 & the impugned communication issued by the presiding officer of internal enquiry committee at the behest of the respondents dated 20.08.2025 vide No.PU/R/Esst.R5/Enq./48/2025-27 and quash the same as violative of the principles of natural justice, illegal, invalid, arbitrary and non-est in the eyes of law; and consequently direct the respondents to



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furnish all relevant copies of documents and records pertaining to the alleged complaints against the petitioner on the basis of which the alleged internal enquiry committee was constituted.

Prayer in W.P.No.33716 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records of the impugned order passed by the first respondent-Convener, VC Committee dated 29.08.2025 vide Lr.No.PU/VCCC/2002/2025 and quash the same as it was passed in violation the procedures contemplated under the Periyar University Act, 1997, violative of the principles of natural justice, illegal, invalid, arbitrary and non-est in the eyes of law; and consequently direct the respondents to permit the petitioner to resume his work as a Senior Professor in the respondent's University.

For Petitioner

in W.P.No.32975 of 2025 : Mr.Nithesh Nataraj

For Mr.Anirudh A Sriram

For Petitioner

in W.P.No.33716 of 2025 : Mr.S.R.Rajagopal,

Senior Counsel

Assisted by Mr.Anirudh A Sriram

For Respondents

in both W.Ps.

: Mr.P.Godson Swaminath

For M/s.Isaac Chambers

COMMON ORDER

The Writ Petition in W.P.No.33716 of 2025 has been filed challenging the order of suspension dated 29.08.2025 and the Writ



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Petition in W.P.No.32975 of 2025 has been issued challenging the notice dated 01.08.2025 issued by the second respondent thereby directing the petitioner to attend the enquiry.

2. The petitioner is working as a Senior Professor in the department of Tamil at the respondent University and he had undertaken various academic and administrative roles in the University including holding membership in the Syndicate and serving as the interim in-charge Vice Chancellor of the University. While being so, the petitioner was served with notice dated 01.08.2025 from the file of the second respondent thereby directing him to attend the enquiry to be held on 21.08.2025. Subsequently, the petitioner was suspended from service on 29.08.2025. Challenging the same, the petitioner filed the present Writ Petitions.

3. The learned Senior Counsel as well as the learned Counsel appearing for the petitioner submitted that the second respondent has no jurisdiction to issue the notice dated 01.08.2025 and to conduct any enquiry. Further, the second respondent has no jurisdiction to suspend the petitioner. The order of suspension was made with malafide intention.

The order of suspension was issued without any allegations and without



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any complaint grave in nature. On receipt of the enquiry notice, the petitioner submitted his response dated 02.08.2025 stating that the Internal Enquiry Committee was constituted without any substantial or valid reasons and without any prior notice to the petitioner. Further, the enquiry notice was not annexed with any complaint on which the enquiry had to be conducted. Further the petitioner was not furnished with any relevant documents to substantiate the allegations justifying the constitution of internal committee to conduct enquiry. Further there was no reply and the respondents did not furnish any copies of the relevant documents. As per Section 14(2)(a) of the Periyar University Act, 1997 (hereinafter referred to as “the Act”), the second respondent has no power to initiate any action as against the petitioner, who is a senior professor of the University. In the meantime, the order of suspension was passed as against the petitioner. After passing the order of suspension, the Convenor, Vice Chancellor Committee kept on framing charges as against the petitioner. Further under Section 25(28) of the Act, apart from the Vice Chancellor’s power under Section 13(4)(a) of the Act, it is only the syndicate who can have the power to make an order of suspension. The provision will have no application, since the petitioner was not granted any reasonable opportunity before passing the order of suspension.



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3.1. They further submitted that the order of suspension passed

by the Vice Chancellor Convenor Committee which appears to be constituted in terms of the arrangement made by the Syndicate as per Section 12(4) of the Act. The said Committee was formed only for the smooth functioning of the management. Therefore, the committee does not have any power to suspend the petitioner. In order to suspend the petitioner who the senior professor, it is only the syndicate who can have the power to make such suspension as contemplated under Section 25(28) of the Act, as per Section 13(4)(a) of the Act.

3.2. In support of their contention, they relied upon the judgment of the Hon'ble Supreme Court of India reported in **(2013) 16 SCC 147** in the case of ***Union of India & anr Vs. Ashok Kumar Aggrawal***, which held that the power of suspension should not be exercised in an arbitrary manner and without any reasonable ground or as vindictive misuse of power. It should be made only in a case where there is a strong prima facie case against the delinquent employee and the allegations involving moral turpitude, grave misconduct or indiscipline or refusal to carry out the orders of superior authority are there, or there is strong prima facie case against him, if proved, would ordinarily result in reduction in rank, removal or dismissal from service.

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3.3. They further submitted that all the complaints are of the year 2014 to 2016 for which, the respondents had conducted enquiry in the year 2025 and had placed the petitioner under suspension. They also pointed out that the complainants lodged complaints alleging that the petitioner failed to permit them to complete their Post Graduate research and also the petitioner scolded them. These are all very simple allegations and not grave in nature. Therefore, the order of suspension cannot be sustained and is liable to set aside.

4. Per contra, the respondents filed counter and the learned counsel appearing for the respondents submitted that the complaints lodged as against the petitioner are consisting several allegations, that are grave in nature. Some of the complainants alleged that the petitioner used to scolded them without any reasons. It was also alleged that the petitioner did not allow them to submit their Ph.D. Thesis. Therefore, they were made to wait for more than ten years. That apart, non teaching staff had also lodged complaints with serious allegations including misappropriation of University's funds. Further the Employee's Association also lodged complaint alleging various allegations.



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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. On perusal of the records, it is revealed that the students, research scholars, teachers and non-teaching staff of the University lodged complaint as against petitioner alleging that the petitioner used abusive words towards students, teachers and other office staff. Further the petitioner also made misappropriation of the University Grands Commissions funds allotted for the research publications. It was also evidenced in the vigilance department enquiry. He also received bribe for the selection and appointment of faculty in the Government Aided Colleges by holding the position of University Representative in the Selection Committee. He earned more than Rs.10 crores by illegal means. Therefore, all the allegations are serious in nature and as such, in the absence of Vice Chancellor, the second respondent issued notice to conduct enquiry. On the preliminary enquiry, it is found that prima facie case is made on the complaint lodged by the Ph.D., research scholars, students, teachers and non-teaching staff including the association. Therefore, there is no need to serve any copy of the complaint before the disciplinary enquiry. Accordingly, enquiry was conducted and found the prima facie case to suspend the petitioner.

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7. Insofar as the jurisdiction of the second respondent is concerned, as rightly pointed out by the learned counsel appearing for the respondents, in the absence of Vice Chancellor, the senior most professor of the university shall exercise the power and perform the duties of the Vice Chancellor. In this regard, it is relevant to extract the 12(4) of the Act as follows :-

12(4) When any temporary vacancy in the office of the Vice-Chancellor or when the Vice Chancellor is, by reason of illness, absence or for any other reason, unable to exercise the power and perform the duties of his office, the senior most professor of the university shall exercise the powers and perform the duties of the Vice Chancellor till the Syndicate makes the requisite arrangements for exercising the powers and performing the duties of the Vice Chancellor.”

Thus, it is clear that in the absence of Vice Chancellor, the senior most professor of the university shall exercise the powers and perform the duties of the Vice Chancellor.

8. Section 13(4) (a) of the Act says that the Vice Chancellor shall have power to take action on any matter and shall by order take such action as he may deem necessary but shall as soon as possible, may

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thereafter report the action taken to the officer or authority or body who or which would have ordinarily dealt with the matter. Therefore, the specific contention of the petitioner regarding lack of jurisdiction to suspend the petitioner cannot be sustained. Admittedly, the post of Vice Chancellor is vacant and as such the respondents have power to take appropriate action as against the petitioner.

9. Further the allegations leveled against the petitioner are serious and grave in nature and in order to initiate disciplinary proceedings as against the petitioner, he was served with show cause notice and the enquiry is pending. Now the petitioner was served with charge memo consisting ten charges along with all the documents as per the annexure. Considering the preliminary enquiry report and the materials as against the petitioner, the petitioner was under suspension in public interest and also in the interest of the respondents University. Further it was found that prima facie case has been made out as against the petitioner and therefore the petitioner was rightly suspended from service.

10. In this regard, it is relevant to rely upon the judgment of the

Hon'ble Supreme Court of India reported in **(1994) 4 SCC 126** in the case
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of **State of Orissa Vs. Bimal Kumar Mohanty** which held as follows :-

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“13..... Suspension is not a punishment but is only one of forbidding or disabling an employee to discharge the duties of office or post held by him. In other words, it is to refrain him to avail further opportunity to perpetrate the alleged misconduct or to remove the impression amount the members of service the dereliction of duty would pay fruits and the offending employee could get away even pending inquiry without any impediment or to prevent an opportunity to the delinquent office to scuttle the inquiry or investigation or to win over the witnesses or the delinquent having had the opportunity in office to impede the progress of the investigation or inquiry etc.....”

11. In view of the above discussions, this Court finds no infirmity or illegality in the notice as well as the order of suspension passed by the respondents. Accordingly, both the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts

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To
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