



W.P.No.32225 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.32225 of 2019

R.Jayakanthan

... Petitioner

Vs.

1.University of Madras,
Rep. by its Vice Chancellor,
Chepauk, Chennai 600 005.

2.University of Madras,
Rep. by its Registrar,
Chepauk, Chennai 600 005.

... 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 of the first respondent proceedings in Proceedings No.F.1.(A)/Esstt./Discip./2018/039 dated 02.04.2018, confirming the order of the second respondent and also to set aside the order of the second respondent by his proceedings No.F.1.(A)/Esstt./Discip./2017/482 dated 12.12.2017 and to quash the same and direct the respondents to reinstate the petitioner to the post of Assistant Section Officer.

For Petitioner : Mr.P.Ravi Shankar Rao

For Respondents : Mrs.V.Sudha, Standing Counsel



W.P.No.32225 of 2019

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ORDER

This Writ Petition has been filed to call for the records of the first respondent in Proceedings No.F.1.(A)/Esstt./Discip./2018/039 dated 02.04.2018, confirming the order of the second respondent and also to set aside the order of the second respondent by his proceedings No.F.1.(A)/Esstt./Discip./2017/482 dated 12.12.2017 and to quash the same and direct the respondents to reinstate the petitioner to the post of Assistant Section Officer.

2. Heard Mr.P.Ravi Shankar Rao, learned counsel for the petitioner, Mrs.V.Sudha, learned Standing Counsel for the respondents and perused the materials available on record.

3. The petitioner who has been charged for having received Rs.5000/- from one student for issuing course completion certificate, has been imposed with the punishment of demotion to the post of Assistant for a period of three years with effect from 16.11.2017. The petitioner preferred an appeal before the Vice Chancellor and that was also rejected by confirming the order of punishment.



W.P.No.32225 of 2019

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4. The learned counsel for the petitioner submitted that the petitioner has been imposed with the punishment on his alleged acceptance of the occurrence. It is submitted that the petitioner was forced to give a letter of apology by stating that it will be easier for him to come out of the enquiry process and later that has been utilised to punish the petitioner. The petitioner has not accepted the allegation and the admission made after compulsion cannot be held against the petitioner in order to punish him.

5. The learned Standing Counsel for the respondents submitted that the petitioner did not deny the allegations and requested an opportunity for exhaustive enquiry. As the petitioner had willingly accepted the allegations, the appropriate authority had chosen to pass an order of punishment suiting to the seriousness of the allegations.

6. On perusal of the orders passed by the Appellate Authority, it is seen that the grounds raised by the petitioner were not discussed and appreciated. As the order of the Appellate Authority appears to be cryptic



W.P.No.32225 of 2019

without any details about the grounds of appeal and how the authority came to the conclusion not to accept the grounds raised by the petitioner, I feel the matter should be remitted back to the Appellate Authority for fresh disposal.

7. The learned counsel for the petitioner further submitted that the Registrar who has passed the order of punishment has passed the order in the Appeal also.

8. Any communication of the University can only be conveyed through the Registrar and hence, the petitioner cannot construe that the Registrar is the authority who had passed the order of punishment and order of confirmation of punishment also in the Appeal. As the office of the Registrar represent the face of the University, the order is being delivered through the Registrar and that cannot be construed as an order passed by the Registrar on his own appreciation or power.



W.P.No.32225 of 2019

9. In view of the above stated reasons, this Writ Petition is partly

allowed and the matter is remitted back to the Appellate Authority to appreciate the matter afresh and pass a speaking order by discussing the grounds raised by the petitioner in the appeal and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Index : Yes /No

28.02.2025

Speaking / Non-speaking

Neutral Citation : Yes / No

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W.P.No.32225 of 2019

R.N.MANJULA,J.

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To

- 1.The Vice Chancellor,
University of Madras,
Chepauk, Chennai 600 005.
- 2.The Registrar,
University of Madras,
Chepauk, Chennai 600 005.

W.P.No.32225 of 2019

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