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W.P. No.43483 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. No.43483 of 2025

and

W.M.P. No.48648 of 2025

Dr.G.Kumar

S/o.Gothandapani, No.276, Indira

Nagar, Pallineliyanur(po), Villupuram-

605 107

Petitioner(s)

Vs

1.The State of Tamilnadu,

Rep By its Secretary to Government, Higher

Education Department, Secretariat, Fort St.George,

Chennai-09

2.The Commissioner of Collegiate Education,

Directorate of Collegiate Education,

Saidapet, Chennai-15.

3.The Syndicate of Annamalai University,

Rep By its Vice Chancellor,

Annamalai University, Annamalai Nagar,

Chidambaram, Cuddalore District.



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4.The Registrar,
Annamalai University, Annamalai Nagar,
Chidambaram, Cuddalore District.

5.The Principal,
Thiru.A.Govindasamy Government Arts College,
Tindivanam, Villupuram District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the respondents relating to the (1) order dated 08.02.2025 of the 2nd respondent in RC.No.TNDCE/1026/2025-D4 and (2) order dated 06.10.2025 of the 4th respondent in University Order No.565/2025(C) and to quash the same and to consequently direct the respondents to reinstate the petitioner into service with backwages and all consequential benefits.

For Petitioner(s) : Mr.T.Sai Krishnan

For Respondents 1 & 2 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

For Respondents 3 to 5 : Mr.S.Venkatesh
for M/s.Ajmal Associates

ORDER

The present writ petition is filed challenging the orders of the 2nd and the 4th respondents dated 08.02.2025 and 06.10.2025 respectively and to consequently direct the respondents to reinstate the petitioner into service with backwages and all consequential benefits.



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2. The petitioner was appointed as a Lecturer in Economics in the Department of Economics, Annamalai University vide Appointment Order No.48/2007 dated 09.01.2007. The petitioner joined the service on 18.01.2007 and was deputed as Assistant Professor in Arignar Anna Government Arts College for Men, Namakkal, vide order dated 29.01.2016 passed by the Director of Collegiate Education for a period of three years on account of surplus vacancy in the Annamalai University. Thereafter, the petitioner was transferred to the 5th respondent College on 18.05.2017. While so, it is stated that on 07.02.2025 based on a false complaint given by a 2nd year B.Com. Student studying in the College, a case was registered against the petitioner in Cr.No.3 of 2025 for offences under Section 11(4) & 12 of POCSO Act, Section 4 of TNPHW Act & Section 78(2) of BNS, 2023. Thereafter, the petitioner was arrested and remanded to judicial custody for 27 days and was suspended from service in the 5th respondent College vide order dated 08.02.2025 passed by the 2nd respondent. The petitioner was thereafter granted bail by an order dated 06.03.2025 in CrI.M.P.No.279 of 2025. The Law Enforcing Agency filed a charge sheet in Spl.S.C.No.157/2025



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against the petitioner on 06.05.2025. The petitioner submitted a representation on

04.07.2025 to the 4th respondent requesting to reinstate the petitioner, however,

the same has not been considered. The 4th respondent issued an order of dismissal

on 06.10.2025. Challenging the orders of suspension and dismissal, the petitioner

has filed the present writ petition.

3. The learned counsel for the petitioner would submit that immediately after the petitioner's arrest, the respondents placed the petitioner under suspension vide order dated 08.02.2025, without conducting any enquiry. It is further submitted by the learned counsel for the petitioner that a formal order of suspension was passed on 17.06.2025. Further, he would submit that the order of dismissal was passed on 06.10.2025 without conducting any enquiry or providing any opportunity of hearing to the petitioner, which is in violation of principles of natural justice. Aggrieved, petitioner prays for appropriate orders.

4. The learned counsel for the respondents would fairly submit that the initial order of suspension was passed immediately after the petitioner's arrest



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and the subsequent order of suspension was issued on 17.06.2025 facilitating

enquiry to be conducted as against the petitioner, pursuant to the criminal complaint registered under the POCSO Act. The learned counsel for the respondents would therefore submit that the order of suspension need not be interfered with since the suspension order is passed for facilitating enquiry. However, in the present case, before passing the order of dismissal, no enquiry was conducted by the enquiry officer and thus prays this Court to pass appropriate orders.

5. In view of the above, without interfering with the impugned order of suspension dated 08.02.2025 and order of dismissal dated 17.06.2025, this Court is inclined to set aside the impugned order of termination dated 06.10.2025 on the ground that it has been passed without conducting any enquiry, which is not maintainable and the same is set aside on the sole ground of violation of principles of natural justice. However, liberty is granted to the 4th respondent to proceed with enquiry by issuing charge memo and assigning enquiry officer and thereafter conclude the enquiry in the manner known to law. Further, the



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respondents are directed to pay the applicable subsistence allowance to the petitioner.

6. The writ petition stands disposed of with the above directions. No costs.

Consequently, the connected miscellaneous petition is closed.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

1.The Secretary to Government,
Higher Education Department, Secretariat, Fort
St.George, Chennai-09

2.The Commissioner of Collegiate Education,
Directorate of Collegiate Education,
Saidapet, Chennai-15.

3.The Vice Chancellor,
Syndicate of Annamalai University,
Annamalai University, Annamalai Nagar,
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M. DHANDAPANI, J.

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