



WEB COPY



W.P.No.48696 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.48696 of 2025
and W.M.P.Nos. 54377 & 54379 of 2025**

Dr.P.V.Bose

... Petitioner

Vs.

- 1.The Vice Chairman-cum-
Secretary to Government (Art & Culture),
Government of Puducherry, Puducherry.
- 2.The Member Secretary,
Bharathiar Palkalaikoodam,
Cuddalore Main Road, Ariyankuppam, Puducherry.
- 3.The Registrar,
Pondicherry University,
R.V.Nagar, Kalapet, Puducherry.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the disciplinary proceedings initiated by charge memo dated 27.06.2023 by the 1st respondent and the inquiry report dated 27.05.2025 and the memorandum dated 25.09.2025 of the 2nd respondent and quash the same.



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and was appointed as a Guest Lecturer on 08.01.1997 in the 2nd respondent

Institution and his services were regularized as Lecturer / Assistant Professor as per UGC norm in 1997. He has been working as Assistant Professor (Music) for the past 26 years.

4. While he was in service, as if the petitioner has not completed 16 hours of teaching in a week thereby, the respondent initiated disciplinary proceedings and issued charge memo as against the petitioner and the enquiry officer was appointed. The petitioner participated in the enquiry, however, the Enquiry Officer drawn a proved minute and forwarded the same to the Member Secretary, who is not a competent person to impose punishment as against the petitioner. The Member Secretary, Bharathiar Palkalaikoodam, Puducherry forwarded the enquiry report to the petitioner with a conclusion that the enquiry minute is a proved one to enable the petitioner to explain before the competent authority.

5. According to the petitioner, when a person is a incompetent to impose a punishment as against the petitioner, the very same person have no



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power to forward the report to the petitioner and further, the conclusion arrived by the Member Secretary, who is an incompetent person with regard to the proven minute is not acceptable one and it is for the competent authority to decide whether the report is accepted or not and the incompetent authority has no power to either accept or reject the report. On the above grounds, the present writ petition is filed.

6. The learned Additional Government Pleader (Puducherry) appearing for the respondents would submit that though the Member Secretary is not a competent person for imposing a punishment however, he is only forwarding the report to the petitioner to enable the petitioner to give further explanation to the competent authority for the punishment imposed to the petitioner and further without reference to the impugned order dated 25.09.2025, this Court permit the petitioner to give proper explanation to the competent authority within a period of four weeks and after receipt of the same, the competent authority will decide whether the enquiry report will be accepted or not. If he accepted, after perusing explanation given by the petitioner and upon satisfaction of the report, if he requires further



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explanation from the petitioner, the competent authority may issue a notice to the petitioner to give a further explanation to the competent authority and upon the same, the competent may pass appropriate order in accordance with law.

7. In view of the same, the petitioner is directed to give explanation to the competent authority within a period of four weeks from the date of receipt of a copy of this order and if the competent authority requires further explanation, he is directed to issue notice to the petitioner for further explanation and upon the receiving the explanation, the competent authority will decide whether the enquiry report will be accepted or not and pass appropriate orders in accordance with law.

8. This Writ Petition is disposed of with the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

18.12.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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M.DHANDAPANI, J.

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To

- 1.The Vice Chairman-cum-
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Bharathiar Palkalaikoodam,
Cuddalore Main Road, Ariyankuppam, Puducherry.
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R.V.Nagar, Kalapet, Puducherry – 605014.

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