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WA No. 840 of 2026

IN THE HIGH COURT of JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

and

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 840 of 2026

and

CMP No. 8727 of 2026

The Registrar
Annamalai University,
Annamalai Nagar,
Chidambaram 608 002

..Appellant(s)

Vs

1. A Kalaiarasan, M/41
S/o. A. Alagarasan,
Mokkanurppatti,
Sandapatti Post,
Harur Taluk,
Dharmapuri District -635 305.
2. The Dean
Faculty of Science,
Annamalai University,
Annamalai Nagar,
Chidambaram 608 002
3. The Head of the Department
Division of Computer and Information Sciences,
Annamalai University,
Annamalai Nagar,
Chidambaram 608 002

..Respondent(s)



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Prayer: Appeal filed under clause 15 of the Letters Patent Act, to set aside the order passed in WP No.35440 of 2019 dated 17.03.2025 and allow the Writ Appeal.

For Appellant(s): Mr.Ajmal Khan
Senior counsel
for Mr.S. Nambi Arooran

For Respondent(s): Mr.R.Jayaprakash, (for R1)

Judgment

(Judgment of the Court was delivered by N.SENTHILKUMAR J.)

This intra court appeal has been filed challenging the order passed by the Writ Court in W.P.No.35440 of 2019 dated 17.03.2025.

2.Mr.R.Jayaprakash, learned counsel takes notice on behalf of the 1st respondent. In view of the order that is going to be passed in this Appeal at the admission stage, notice to respondents 2 & 3 is dispensed with.

3.1.The 1st Respondent is the writ petitioner, who challenged the proceedings of the Appellant herein in University Order No.09/2019 (C) dated 23.01.2019. The case of the 1st respondent/writ petitioner is that he was



appointed as Assistant Professor/Programmer in the appellant University on 10.02.2003. He had applied for medical leave for the period from 23.07.2017 to 24.11.2017. Subsequently, on 22.11.2017 he was directed to appear before the Medical Board to verify the genuineness of the medical leave availed by him. Due to his ill health, he was unable to appear before the Medical Board on the said date. Thereafter, he appeared before the appellant along with medical certificates seeking to rejoin duty on 25.11.2017. At that time he was instructed to appear before the Medical Board at the next sitting to assess his fitness. Thereafter, by communication dated 05.04.2018, he was directed to appear before the appellant to explain his absence from duty and his failure to appear before the Medical Board.

3.2. On 12.04.2018, he submitted a representation expressing his willingness to rejoin duty and thereafter, he rejoined duty on 26.07.2018. While so, a charge memo dated 30.04.2018 was issued against him. The petitioner requested to treat the period of his absence from 22.10.2018 to 21.10.2020 as “*leave on loss of pay*”, which request was considered and sanctioned by the University. Pursuant to the charge memo dated 30.04.2018, an enquiry was conducted and the Enquiry Officer found the charges to be proved. Based on



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the said findings, the Syndicate passed a resolution imposing the penalty of dismissal from service and accordingly, the petitioner was dismissed from service on 23.01 .2019.

4. Aggrieved by the said order, the 1st respondent/writ petitioner approached the Writ Court, which allowed his writ petition. Challenging the same, the appellant has preferred the present appeal before this Court.

5. Mr. M. Ajmal Khan, learned Senior counsel appearing for the appellant contended that once the charges had been proved, the Writ Court ought not to have directed reinstatement of the 1st respondent into service with full back wages.

6. Heard the learned counsel appearing for the appellant and the learned counsel appearing for the 1st respondent/writ petitioner.

7. On perusal of the order passed by the Writ Court, it is seen that the Court took into consideration the fact that in the dismissal order dated 23.01.2019, it was stated that the petitioner had rejoined duty on 26.07.2018.



However, there was no explanation offered by the writ petitioner for his absence from duty for the period between 25.11.2017 and 25.07.2018. At the same time, it has also noted that leave had been sanctioned in favour of the 1st respondent/writ petitioner for the period from 22.10.2018 to 21.10.2020 without any conditions.

8. Taking into account of the above fact, the Writ Court observed that having sanctioned leave for the period from 22.10.2018 to 21.10.2020 without any conditions, it was not proper on the part of the University to dismiss the 1st respondent/writ petitioner during the subsistence of such leave in the year 2019. Consequently, the Writ Court ordered reinstatement of the 1st respondent/writ petitioner into service with full back wages, though without continuity of service and other attendant benefits. The Writ Court further directed that the period of absence from 25.11.2017 to 25.07.2018 may be regularised at the discretion of the University, either by treating it as “leave on loss of pay” or by adjusting it against any leave available to the credit of the 1st respondent/writ petitioner.

9. The learned senior counsel for the 1st respondent/writ petitioner fairly



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pointed out that, the enquiry proceedings dated 26.06.2018 merely states the charges were proved. There is no material on record to indicate, whether any witnesses examined, nor is there any evidence to demonstrate that a proper enquiry was conducted. The enquiry report reflects only a conclusion without following the procedure. It is evident that the enquiry was conducted without following the procedure. In the absence of any material to show that the enquiry was conducted in a proper manner, we find no reason to interfere with the order passed by the Writ Court.

10. In view of the above, this Writ Appeal is dismissed, confirming the order passed by the Writ Court in W.P. No.35440 of 2019 dated 17.03.2025. It is made clear that the directions issued by the Writ Court shall be complied with within a period of two months from the date of receipt of a copy of this judgment. In the interregnum, no coercive steps shall be taken by the 1st respondent/writ petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

(R.S.K.,J.) (N.S.,J.)
08-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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