

WP(MD)Nos.6760, 8747 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNED ON : 29.06.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)Nos.6760, 8747 of 2023

and

WMP(MD)Nos.6339, 6340 of 2023

J.Devi

... Petitioner in both WPs

Vs

1.The Vice Chancellor,
Tamil University,
Thanjavur.

2.The Registrar,
Tamil University,
Thanjavur.

... Respondents 1 & 2 in
both WPs

3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Wing,
Thanjavur.

... 3rd Respondent in
WP(MD).8747/2023



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PRAYER in WP(MD).6760/2023 :-Writ Petition filed under Article 226 of

the Constitution of India, praying for the issuance of Writ of Certiorari to call for the notification issued by the second respondent in Na.Ka.No.A1/1187/2023 dated 20.03.2023 and quash the same.

PRAYER in WP(MD).8747/2023 :-Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondents to regularize the service of the petitioner as Professor – Tamil Literature in the respondent University from the date of joining of the petitioner in service on 03.06.2017.

For Petitioner : Mr.Shaazim Shagar

For Respondents: Mr.Gokul Abimanyu
for Mr.Arul Vadivel Associates
for R.1, R.2

Mr.M.Sarangan
Additional Government Pleader for R.3

[In both WPs]



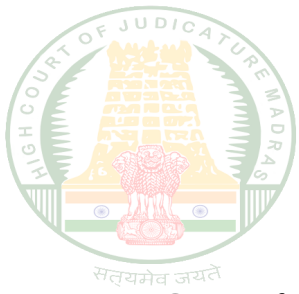
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COMMON ORDER

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The petitioner has been working as Professor in Tamil Literature in the respondent Tamil University with effect from 03.06.2017. She has filed WP(MD)No.8747 of 2023 seeking regularization of her services. In the connected writ petition in WP(MD)No.6760 of 2023, she has challenged the impugned notice dated 20.03.2023 issued by the Registrar of the Tamil University. By the said notice, the petitioner was called upon to offer her explanation to the audit objections raised for the year 2021-2022, wherein, among other things, it was stated that the petitioner was appointed by relaxing the rules, (i) despite the non-availability of her signature in the PBAS application form, and (ii) despite not possessing the required ten years' experience, excluding the M.Phil. and Ph.D. research period.

2.Considering the relevancy of the issues involved, both the writ petitions were heard together and are disposed of by this common order.



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Case of the petitioner:-

3. According to the petitioner, she possesses the requisite qualifications prescribed under the UGC norms and was appointed against a regular sanctioned vacancy. Her candidature was, in fact, challenged by an unsuccessful candidate by filing WP(MD)No.18392 of 2018. Two of the grounds now relied upon in the impugned notice, namely, that the petitioner did not possess the required ten years' experience and that she had not signed the application form, were also specifically raised and argued in the said writ petition. The writ petition ultimately came to be dismissed by this Court, by order dated 07.07.2022, holding that the Selection Committee of the University had rightly concluded that the petitioner was more suited for the post.

4. It is the further case of the petitioner that, in WP(MD)No.18392 of 2018, the respondent University had filed a counter affidavit supporting her appointment. Despite the above, the respondent has now issued the impugned notice raising the very same grounds which had already been



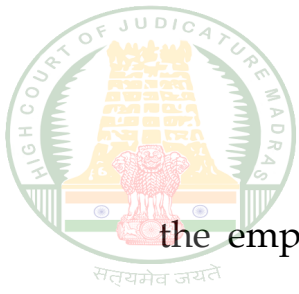
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considered and rejected by this Court. It is, therefore, contended that the impugned notice is liable to be quashed. Consequently, the petitioner has also sought a direction for regularization of her services.

Stand taken by the Tamil University:-

5.The University has stated that, pursuant to the order passed by a Division Bench of this Court in WP(MD)Nos.17709 and 18416 of 2019, an investigation was initiated by the Vigilance and Anti-Corruption Wing, Thanjavur, in Crime No.10 of 2019, on the allegation that appointments of 40 employees made in the Tamil University during the years 2017-2018, including the appointment of the present petitioner, were secured for extraneous consideration.

6.Pending the outcome of the investigation, the Syndicate of the University constituted a Sub-Committee to examine whether the appointments made during 2017-2018 were in accordance with the applicable regulations and to submit its report. Till such report was received, the Syndicate resolved not to regularize the services of any of



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the employees appointed during the said period. The Sub-Committee thereafter submitted its report dated 07.10.2022 recommending that the probation of the employees appointed during 2017-2018, including that of the petitioner, should not be declared.

7.In the meanwhile, the Chancellor of the Tamil University / Hon'ble Governor of Tamil Nadu constituted an Inquiry Commission headed by Justice Dr.M.Jaichandran, former Judge of the Madras High Court, to inquire into the appointments of 40 academicians, including the petitioner, made during the years 2017-2018. The Commission submitted its report to the Chancellor, which was accepted, and the Syndicate was directed to take action against those found not qualified for appointment as faculty members in the University. Pursuant thereto, the Syndicate passed a resolution accepting the findings of the Inquiry Commission and resolved to issue show cause notices to each of the academicians concerned. According to the University, the process of issuing such notices is presently underway.



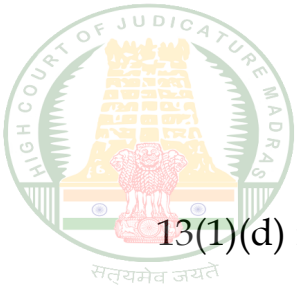
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WEB COP 8.Insofar as the challenge to the impugned notice is concerned, the University has stated that the Local Fund Audit Department conducted a regular audit relating to the appointments made during the years 2017-2018 and raised certain audit objections. The said objections were forwarded to the respective employees calling upon them to submit their explanations. Instead of offering her explanation to the audit objections, the petitioner has chosen to file W.P.(MD)No.6760 of 2023.

Stand of the Vigilance Department:-

9.In order to ascertain the present status of Crime No.10 of 2019 registered by the Vigilance and Anti-Corruption Wing, Thanjavur, this Court *suo motu* impleaded the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Thanjavur, as a party to the proceedings.

10.The Vigilance Department has filed a status report stating that Crime No.10 of 2019 was registered on 14.11.2019 for the offences under Sections 120-B, 409, 420, 467, 468 and 471 IPC and Sections 7, 13(1)(c),



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13(1)(d) read with 13(2) of the Prevention of Corruption Act against four

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persons, namely, Tr.G.Baskaran, former Vice-Chancellor of Tamil University; Dr.S.Muthukumar, former Registrar of Tamil University; Tr.G.Sakthisaravanan, Assistant / former PA to Registrar of Tamil University; and Tr.N.Baskaran, former Director of Distance Education of Tamil University. The allegations are that the accused persons entered into a criminal conspiracy, demanded illegal gratification from candidates seeking appointment as Professors and Assistant Professors, and, in collusion with the members of the Selection Committee, boosted the marks awarded in the oral interview and secured appointments for ineligible candidates as Professors as well as non-teaching casual labourers in the University.

11.It is further stated that, upon completion of the investigation, a final report has been filed only against the first accused, Dr.G.Bhaskaran, former Vice-Chancellor of the University, for the offences punishable under Section 409 IPC and Sections 7, 13(1)(c), 13(1)(d) read with 13(2) of the Prevention of Corruption Act. The same has been taken on file as

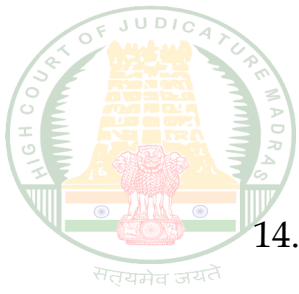


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Spl.S.C.No.71 of 2025 by the Principal District Court, Thanjavur, and the case is presently pending before the Special Court.

12.This Court considered the rival submissions made by the respective parties and perused the materials placed on record.

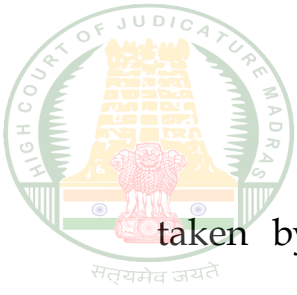
13.The principal contention advanced by the petitioner is that the very grounds on which the impugned notice came to be issued, namely, (i) that she did not possess the requisite ten years' teaching experience, and (ii) that she had not signed the PBAS application form, were already considered by this Court in the earlier round of litigation in WP(MD)No. 18392 of 2018 instituted by an unsuccessful candidate. According to the petitioner, once those issues have been decided in her favour by order dated 07.07.2022, it is no longer open to the University to reopen the very same issues by issuing the impugned notice calling upon her to explain the audit objections.



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14.This Court is unable to accept the said contention for more than one reasons.

15.The earlier writ petition arose out of a challenge made by an unsuccessful candidate to the appointment of the petitioner. In the said proceedings, the University defended the petitioner's appointment by filing a counter affidavit through its then Vice-Chancellor and Registrar. The petitioner, therefore, contends that the respondent University cannot now take a contrary stand. This argument, however, overlooks the factual background in which the said counter affidavit came to be filed. At the relevant point of time, the legality of the appointments made during the years 2017-2018 was already the subject matter of investigation by the Vigilance and Anti-Corruption Wing. The investigation itself was directed against, among others, the then Vice-Chancellor and the Registrar, who represented the University in the said proceedings. In such circumstances, it would be wholly unrealistic to expect the very authorities whose actions were under investigation to admit irregularities in the recruitment process. Therefore, the stand



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taken by the University in the earlier writ proceedings cannot be regarded as putting a quietus to the issue, particularly when the investigation has since culminated in the filing of a final report and prosecution has been launched against the former Vice-Chancellor.

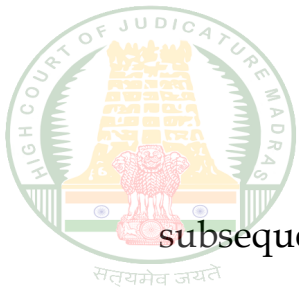
16. That apart, the order dated 07.07.2022 itself indicates that the larger issue concerning the appointments made during the years 2017-2018 was not the subject matter of adjudication therein. The pendency of WP(MD)Nos.17709 and 18416 of 2019, instituted in public interest, was specifically brought to the notice of the learned Judge. While dismissing the writ petition filed by the unsuccessful candidate, the Writ Court observed that the Public Interest Litigations involved larger allegations relating to appointments made for extraneous consideration and that those issues did not arise for consideration in the said proceedings. Thus, the earlier judgment cannot be construed as having finally adjudicated upon the legality of the entire recruitment process or the allegations of irregularities in the appointments.



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WEB COP 17. The materials subsequently placed before this Court disclose developments which were neither available nor considered in the earlier writ proceedings. The final report filed by the Vigilance and Anti-Corruption Wing includes the petitioner's name among the appointees whose appointments were subjected to scrutiny. The charge sheet further discloses that an Expert Committee was constituted under G.O. (D)No.64, Tamil Development and Information Department, dated 08.07.2021, to verify the appointments and identify irregularities with reference to the API Scores and the prescribed qualifications.

18. The allegations contained in the final report are that the accused public servant entered into a criminal conspiracy, attempted to obtain illegal gratification in connection with the appointments and, by manipulating the selection process, secured appointments for ineligible candidates. Whether those allegations ultimately culminate in conviction is a matter to be decided by the competent criminal court. Nevertheless, the materials collected during the course of investigation constitute

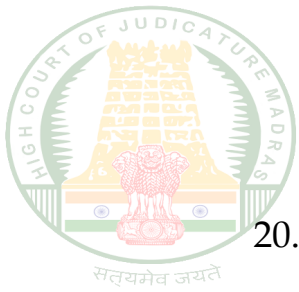


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subsequent developments which were neither available nor considered

when WP(MD)No.18392 of 2018 was decided. Therefore, the petitioner cannot contend that the issues touching upon her eligibility have attained finality.

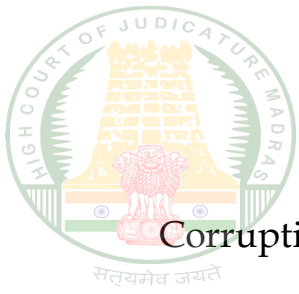
19.It is also brought to the notice of this Court that the Chancellor of the Tamil University constituted an Inquiry Commission headed by Justice Dr.M.Jaichandran, former Judge of this Court, to inquire into the appointments made during the relevant period. The Commission has submitted its report, which has been accepted by the Chancellor. Pursuant thereto, the Syndicate has resolved to initiate appropriate action against those who were found not to possess the prescribed qualifications and, according to the University, the process of issuing show cause notices to the concerned academicians is presently underway. This is yet another circumstance indicating that the issue relating to the appointments made during the years 2017-2018 continues to remain under examination by the competent authorities.



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20. Apart from the above developments, the Local Fund Audit Department, in the course of its statutory audit, also raised certain objections relating to the appointments made during the years 2017-2018, including that of the petitioner. The respondent University has merely forwarded those audit objections to the petitioner calling upon her to submit her explanation. The impugned notice is only for that limited purpose. It neither records any finding against the petitioner nor visits her with any civil consequences. On the contrary, it affords the petitioner an opportunity to place her explanation before the competent authority, who would thereafter take an appropriate decision in accordance with law.

21. Viewed in the above perspective, this Court is unable to hold that the respondent University was precluded from seeking the petitioner's explanation merely because two of the audit objections overlap with the issues raised in WP(MD)No.18392 of 2018. The earlier judgment did not conclude the larger issue relating to the legality of the appointments. The subsequent investigation by the Vigilance and Anti-



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Corruption Wing, the findings of the Expert Committee, the acceptance of the Inquiry Commission's report by the Chancellor and the consequential administrative steps proposed by the University clearly demonstrate that the matter continues to be under scrutiny. In such circumstances, calling upon the petitioner to offer her explanation to the audit objections cannot be said to be either illegal or without jurisdiction.

In view of the foregoing discussions and reasonings, both the writ petitions fail and are accordingly, dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
gk

29.06.2026

To

1.The Vice Chancellor,
Tamil University, Thanjavur.

2.The Registrar,
Tamil University, Thanjavur.

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3. The Deputy Superintendent of Police,
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B.PUGALENDHI, J.

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