

(1991) 10 MAD CK 0075
In the Madras High Court

D. Jeyabalan

APPELLANT

Vs

The Registrar, Madurai Kamaraj University

RESPONDENT

Date of Decision : 22-10-1991

Acts Referred:

Citation : (1991) 2 LW 667 : (1992) 1 MLJ 7

Hon'ble Judges : Bakthavatsalam, J

Bench : Single Bench

Judgement

Bakthavatsalam, J.—The petitioner challenges the order of the respondent/University which has passed a cryptic Order.

2. The petitioner is a practicing Lawyer. He has sought for permission to register for Ph.D. Degree in the respondent/University on 01.02.1990. By its letter dated 09.11.1990, the University has stated that his request for permission to register for Ph.D. Degree is not complied with. The petitioner is before me against this order.

3. Notice of motion was ordered by me on 17.12.1990 and Mr. Veluswamy appears for the University/respondent.

4. The learned Counsel appearing for the Petitioner contends that the judgment reported in Sampath v. Registrar, University of Madras, 1988 W.L.R. 247, is in his favour and as such this Court should straightaway allow the writ petition setting aside the order of the Respondent.

5. Per contra, the learned Counsel appearing for the University states that the Laws (Statutes and Ordinances) of the respondent/University in Chapter XXVIII (Statute 17) states that each Fellow shall be a full-time research worker while holding the Fellowship and shall not accept other remunerative work without the previous sanction of the Vice-Chancellor. In view of this, the learned Counsel for the respondent states that the judgment relied on by the learned Counsel for the petitioner will not apply to the facts of this case.

6. After going through the relevant statutes pointed out by the learned Counsel for the respondent/University, I am of the view that the judgment reported in Sampath's case 1988 W.L.R. 247, cited supra, will not apply to the facts of the case. In that judgment this Court has stated if certain rules and regulations are made by the University prohibiting the lawyers and the professionals like the petitioner from attending the Ph.D. Degree course, then it may be open to the University to contend that the petitioner is not entitled to get himself registered.

7. In this case, as already extracted above, there is already a prohibition in the laws of the University Under Chapter XXVIII (Statute 17), that each fellow shall be a full-time research worker while holding the Fellowship shall not accept other remunerative work. However, it is not an absolute prohibition. The Vice-Chancellor has got a discretion to permit anybody who has any other remunerative work. But at the same time, he shall be a full-time research worker. Since the order impugned before me is very cryptic and no reason is given in that order, it has got to be set aside as it is well-settled now that any order passed administratively also should contain reasons. Hence, the order is set aside and the matter is remitted back to the respondent/University to pass a fresh order on merits according to law, if necessary after giving an opportunity to the petitioner, on or before 30.11.1991. The writ petition is allowed in the above terms. No costs.