

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 24.07.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A(MD)No.510 of 2023
and
C.M.P(MD)No.5219 of 2023

Dr.D.Vetrichelvan

... Appellant /
Petitioner

Vs.

1.The Tamil University,
Represented by its Registrar,
Tamil University Road,
Thanjavur – 613 010.

2.The Vice Chancellor,
Tamil University,
Tamil University Road,
Thanjavur – 613 010.

3.Dr.G.Palanivelu

4.The Secretary to Government,
Department of Tamil Developments and
Hindu Religious and Charitable Endowments,
Fort St.George, Chennai – 9.

5.The University Grants Commission,
Represented by its Secretary,
Bahadur Shah Zafar Marg,



New Delhi – 110 002.

... Respondents /
Respondents

WEB COPY

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed in W.P(MD)No.12532 of 2017 dated 17.06.2022 and allow the same.

For Appellant : Mr.B.Saravanan, Senior Counsel
for Mr.D.Kirubakaran

For Respondents: Msr.Sachin Rahul
for M/s.Arul Vadivel Associates
for R1 & R.2

Mr.G.Prabhu Rajadurai
for Mr.R.Ganesh Prabhu for R.3

Mr.C.Venkatesh Kumar
Special Government Pleader
for R4 & R5

ORDER

(By G.R.SWAMINATHAN, J.)

It came to our notice that Thiru.S.Vanchinathan (Enrl No.1867/2004) has been making the scandalous allegation that one of us (G.R.S,J) is exhibiting communal and caste bias in the discharge of his judicial duties. WA(MD)No.510 of 2023 is being heard by this bench. It was noticed that Thiru.S.Vanchinathan has filed vakalat for the third respondent. Since improper motive is being attributed to one of us (G.R.S,J), it became necessary to summon the said counsel to appear in person

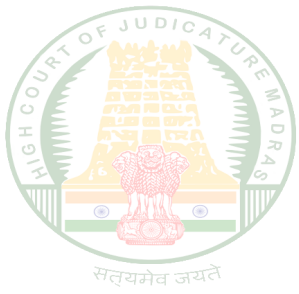


before us today at 01.15 P.M.

WEB COPY

2.Thiru.S.Vanchinathan, advocate, in compliance with the summon issued by the Registry, appeared before us. We posed a direct question to him whether he continued to maintain his stand that one of us (G.R.S,J) is exhibiting caste bias in the discharge of his judicial duties. Thiru.S.Vanchinathan without directly answering this question, submitted that he had already returned the papers and that he is no longer the counsel on record for the third respondent. But his dissociation with this writ appeal cannot lead to closure of the action initiated by us.

3.It is relevant to note that Thiru.S.Vanchinathan was suspended by the Bar Council of India on the ground that his conduct was unbecoming of an advocate. Though he was expected to improve his conduct after revocation of the suspension, it appears that he has not changed his ways. He continues to slander judiciary. The social media is replete with his videos. It is one thing to criticise judgments but entirely another to cast aspersions on judges. The Hon'ble Division Bench of the Kerala High Court very recently convicted and sentenced a contemnor in Cont Case Crl No.3 of 2024 (Suo motu, High Court of Kerala v. P.K.Suresh Kumar) for attributing ideological bias to certain Judges of the Kerala High Court. Paras 36, 41 and 43 of the said order read as follows :



WEB COPY

“36.In *Het Ram Beniwal v. Raghuveer Singh*, the Apex Court stated in unequivocal terms that though every citizen has a fundamental right to speech, guaranteed under Article 19 of the Constitution of India, the contempt of court is one of the restrictions on such right. If a calculated effort is made to undermine the judiciary, the courts are required to exercise their jurisdiction to punish the offender for committing contempt. In that view of the matter, the respondent cannot seek refuge under Article 19 of the Constitution of India, as casting scurrilous and objectionable remarks against Judges, and attributing improper motives to those discharging judicial functions, amounts to criminal contempt and falls outside the protective ambit of free speech.

41.In *Halsbury's Laws of England* (4th Edn., Vol. 9, para 27, p. 21), it is stated that scurrilous abuse or personal attacks on a judge or court amount to punishable contempt. The objective is not to shield individual judges from criticism but to protect public confidence in the administration of justice, which would be undermined if judicial authority is brought into disrepute. While fair, temperate, and good-faith criticism is permissible, allegations of partiality, bias, or improper

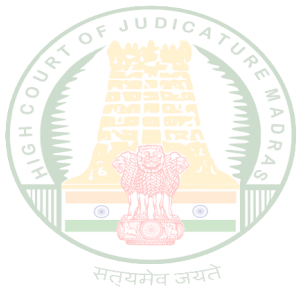


WEB COPY

motives strike at the very heart of judicial integrity and are treated with particular seriousness.

43.In Dr. D.C. Saxena v. Hon'ble The Chief Justice of India, the Apex Court held that imputations of bias, corruption, or partiality to a judge amount to scandalising the court and constitute criminal contempt. Even a tendency to lower the authority of the court or obstruct the administration of justice is sufficient. The focus is not on proving intent or mens rea but on the effect of the act—whether it tends to diminish public confidence in the judiciary. The Apex Court emphasised that action for contempt is not to vindicate the judge's personal dignity but to uphold the majesty and independence of the judicial institution. Scandalising the court, whether through defamatory posts, reckless allegations, or vilification, taints the very fountain of justice and must be sternly dealt with.”

4.The Hon'ble Supreme Court in Vijay Kurle, In re, (2021) 13 SCC 616 observed as follows :



WEB COPY

“58. There can be no manner of doubt that any citizen of the country can criticise the judgments delivered by any court including this Court. However, no party has the right to attribute motives to a Judge or to question the bona fides of the Judge or to raise questions with regard to the competence of the Judge. Judges are part and parcel of the justice delivery system. By and large, Judges are reluctant to take action under contempt laws when a personal attack is made on them. However, when there is a concerted attack by members of the Bar who profess to be the members of an organisation having a large following, then the court cannot shut its eyes to the slanderous and scandalous allegations made. If such allegations which have not only been communicated to the President of India and the Chief Justice of India, but also widely circulated on social media are permitted to remain unchallenged then the public will lose faith not only in those particular Judges but also in the entire justice delivery system and this definitely affects the majesty of law.”

Judged by the principles laid down above, the conduct of Thiru.Vanchinathan prima



W.A(MD)No.510 of 2023

facie constitutes criminal contempt of court. That is why, we could not have
WEB COPY
dropped the proceedings following his statement that he is no longer the counsel for
the third respondent in this writ appeal. We, therefore, persisted with our query as
to whether he continued to maintain that one of us (GRS,J) is being casteist while
discharging his judicial duties. Thiru.S.Vanchinathan refused to answer this
question. Instead, he wanted us to pose this query in writing. We, therefore, direct
the Registry to serve the following questionnaire to Thiru.S.Vanchinathan to enable
him to respond on 28.07.2025 at 01.15 P.M in person :

“Whether you, S.Vanchinathan (Enrl. No.1867/2004) stand by your
imputation of caste bias on the part of Justice G.R.SWAMINATHAN in
the discharge of his judicial duties ?”

5.Call this case on 28.07.2025 at 01.15 P.M. Thiru.S.Vanchinathan is directed
to be present in person then.

sd/-
24/07/2025

/ TRUE COPY /

24/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKM



W.A(MD)No.510 of 2023

TO मेव जयते

WEB COPY

1.The Secretary to Government,
Department of Tamil Developments and
Hindu Religious and Charitable Endowments,
Fort St.George, Chennai – 9.

2.The Secretary,
The University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

Copy To

Mr. S.Vanchinathan (Enrl No.1867/2004)
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

WA(MD) No.510 of 2023

Date :24/07/2025

HPS/24.07.2025 /8P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023