

## **THE DEVELOPMENT OF CASE WORK AT SUAN SUNANDHA RAJABHAT UNIVERSITY**

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### **Abstract**

The study on the development of case work practices at Suan Sunandha Rajabhat University aims to enhance the case management operations in accordance with the procedural steps of various activities of the Discipline and Legal Affairs Department and related units within the university. The study results revealed that the development of case management practices at Suan Sunandha Rajabhat University, through the compilation of case management procedures, includes litigations related to the university's educational funding and defenses in cases where the university or its personnel are sued due to their official duties. This has led to improved clarity and effectiveness in the case management operations of the Discipline and Legal Affairs Department, Human Resources Division, Suan Sunandha Rajabhat University. Recommendations include reviewing the case management manual of the Discipline and Legal Affairs Department, Human Resources Division, Suan Sunandha Rajabhat University, to further develop the operational guidelines for Administrative case and to facilitate the transfer of knowledge.

**Keywords:** Development, Case work, Administrative case

### **Introduction**

The litigation operations of the Disciplinary and Legal Affairs Division within the Human Resources Management Division at Suan Sunandha Rajabhat University encompass litigation related to the university's scholarship contract as well as defense efforts in cases where the university or its personnel face legal action in connection with their official duties. Litigation under the university's scholarship contract is categorized into two types: (1) uncomplicated cases, where the university designates a responsible legal officer to initiate the lawsuit, conduct the trial, and ensure enforcement on behalf of the university; and (2) complicated cases requiring advanced legal expertise, in which the university appoints a legal officer to seek assistance from the public prosecutor.

In defense scenarios where the university enlists the public prosecutor's assistance, the designated legal officer acts as the case coordinator, tasked with compiling summaries of facts and applicable laws, gathering relevant documents and evidence, and submitting them to the public prosecutor. The outlined procedures underscore the significance of the litigation efforts undertaken by the Disciplinary and Legal Affairs Division and the Human Resources Management Division, as these activities are essential for safeguarding the interests of both the university and the government. Given the multiple procedural steps and timelines mandated by law. It is imperative to possess a comprehensive understanding of the regulations and any alterations in the circumstances inside the public agency, a

comprehensive review of the case work manual is necessary to enhance the working procedures and methodologies involved.

### **Research Objectives**

1. To advance the operations within the Disciplinary and Legal Affairs Division at Suan Sunandha Rajabhat University.

2. To serve as a framework for work methodologies that can be conveyed to new employees for accurate study and execution, fostering skill development that leads to expertise in the field. This will also aid in personnel performance evaluations and facilitate knowledge sharing with external parties for learning and application.

### **Literature Review**

1. The Administrative Court has published information regarding important things to know about filing administrative lawsuits, including precautions for filing cases, summarized as follows: Filing an administrative case with the Administrative Court will not have complex criteria that burden the citizens wishing to file a case. The proceedings in the Administrative Court are also quite flexible to ensure that the search for facts and evidence is as accurate and thorough as possible. However, in practice, there are several problems that often arise, which the plaintiff should be careful about, as follows.

1.1 The preparation of a lawsuit that does not comply with the criteria and conditions set by law according to the Administrative Court Establishment Act and the Administrative Trial Procedure Act B.E. 2542 and related administrative trial regulations can prevent the Central Administrative Court from accepting the lawsuit for consideration. Common defects include the plaintiff using inappropriate language. The court will order the plaintiff to correct the lawsuit within the time specified by the court, and if the plaintiff fails to comply, the court has the authority to reject the lawsuit for consideration and dismiss the case from the court registry. The plaintiff's request is unclear, as the plaintiff wishes to ask the court to enforce against the administrative agency or the relevant state officials to remedy or alleviate the troubles or damages in what way. Such requests must be articulable, meaning they must be requests as specified under Section 72 of the Administrative Court Establishment Act and the Administrative Trial Procedure Act B.E. 2542. Additionally, the plaintiff filed a lawsuit with the Administrative Court without having followed the procedures or methods prescribed by law for remedying troubles or damages before filing the lawsuit. In filing an administrative case, the plaintiff does not have the right to file a suit with the Administrative Court immediately upon suffering trouble or damage, but the plaintiff must first consider whether there are laws specifying procedures or methods for remedying the troubles or damages in that matter. If there are specific provisions in the law regarding procedures or methods, the plaintiff must comply with those specific legal processes beforehand.

1.2 Precautions regarding lawsuits submitted by mail. In cases where the plaintiff comes to file a lawsuit at the Central Administrative Court, the court staff will provide close guidance to the plaintiff, so there are usually not many defects or problems. However, for cases where the plaintiff has filed a lawsuit by sending the complaint via registered mail, the plaintiff often loses the opportunity for the case to be considered and determined for various reasons, as follows:

1) The plaintiff does not specify their name in the lawsuit or uses a pseudonym or files on behalf of a group without providing their true name. A lawsuit with such characteristics will be treated as an anonymous letter that the Administrative Court

cannot present for consideration because, in such cases, there is no individual plaintiff to clarify and provide statements to the court. Therefore, the court cannot determine whether the alleged trouble or damage mentioned in the complaint has occurred to anyone and in what way.

2) The plaintiff specifies their name in the lawsuit but fails to provide an address.

3) The plaintiff correctly addresses the envelope to the Administrative Court, but the complaint or the letter inside the envelope indicates that it is a letter to another agency or mentions that it is a letter to several agencies, including the Administrative Court. In such cases, the office of the Administrative Court, as the initial recipient, cannot conclude by itself that the plaintiff intends to file a case with the Administrative Court.

4) Plaintiffs often send only one original copy of the complaint and evidence without attaching copies of the complaint and evidence. According to the procedural regulations of the Administrative Court, the plaintiff has the duty to make copies of the complaint and evidence equal to the number of defendants to attach with the complaint.

5) The plaintiff does not send the court fee along with the complaint or sends it but not in full.

1.3 The administrative litigation in the administrative court seeks to find facts and evidence, primarily through documents. The Administrative Court Office has encountered several communication issues between the court and the parties involved or other related individuals, as follows:

1) The plaintiff, the defendant, or other related individuals have sent correspondence or documents to the Administrative Court without providing the case number.

2) The plaintiff, the defendant, or other related individuals have sent response letters or orders from the presiding judge directly addressed to that judge's name. In this case, it may be misunderstood as a personal letter of that judge and delivered without proper registry.

3) The plaintiff, the defendant, or other related individuals have changed their residence or office location but have not notified the Administrative Court Office.

2. The Administrative Court has prepared documents to disseminate the court's reasoning in the form of books and electronic documents to serve as guidelines for studying the court's case decisions. If those involved in administrative litigation study the court's reasoning, it will greatly benefit their work in the realm of administrative litigation, particularly the compilation of verdicts related to various university administrative matters.

3. Chanphen Nopphan, Burapha University Research, investigates the acceptance of administrative cases by the Administrative Court, focusing on a case study of the Central Administrative Court. The study examines the history of the administrative court in Thailand, the challenges associated with submitting administrative cases that do not meet the court's established criteria, and proposes solutions to enhance the acceptance of cases for consideration. The primary conclusion highlights that the administrative court, being a newly established entity, faces significant challenges due to incomplete preparations in key areas such as budget and personnel. Essential factors for effective organizational management encompass human resources, financial resources, physical materials, and overall management. A deficiency in these critical resources adversely affects operational efficacy. The following recommendations are proposed:

3.1 Collaborate with the government to enhance the understanding of the administrative court's jurisdiction and case submission processes among civil servants at all levels.

3.2 Ensure adequate budget allocation for the administrative court and its operational office.

3.3 Increase the number of judges and staff within the administrative court and its office.

4. Thiraphan Chaiman stated that administrative cases involve disputes between administrative agencies or government officials and private individuals, as well as disputes among administrative agencies or government officials themselves. The key points are as follows:

Administrative cases pertain to the following matters:

1) Disputes regarding the improper issuance of regulations, orders, or other actions by administrative agencies or government officials.

2) Disputes concerning the neglect of duties by administrative agencies or government officials as mandated by law, or the excessive delay in fulfilling those duties.

3) Disputes related to torts or other liabilities of administrative agencies or government officials resulting from the delayed exercise of power.

4) Disputes concerning administrative contracts.

5) Cases where the law mandates administrative agencies or state owners to file a lawsuit in court to compel a person to act or refrain from acting.

6) Cases where the law requires jurisdiction to be under the court's purview.

Filing an administrative lawsuit is designed to be straightforward, uncomplicated, and low-cost, potentially at no expense, based on the principle of accessibility without the necessity of legal representation. However, to mitigate harassment and prevent frivolous legal actions that complicate matters for defendants and burden the Administrative Court, four conditions must be met:

1) The plaintiff must be an individual who has suffered, or may suffer, damage as a result of governmental actions or omissions, or a person engaged in a dispute regarding an administrative contract, or any other disputes the law requires to be filed with the Administrative Court.

2) Timeframe for filing: Lawsuits must be filed within the legally specified period, generally within 90 days from the date of awareness of the cause of action, or within 1 year for torts or other liabilities of the government, or for lawsuits concerning administrative contracts.

3) The lawsuit does not necessitate a specific format; however, it must be articulated in polite language and contain clear content as a lawsuit, including the name and address of the plaintiff and the agency involved, the actions leading to the lawsuit, relevant facts or circumstances, and a request for a court order to remedy the plaintiff's distress or damage. The plaintiff must sign the document.

4) A preliminary remedy must be pursued prior to initiating the case in the Administrative Court if the subject matter of the lawsuit requires certain actions to remedy distress or damage.

The plaintiff may initiate a lawsuit in two ways: by filing in person at the Administrative Court within their jurisdiction or the location where the cause of action arose, or by submitting the lawsuit via registered mail.

## **Research Method**

The research is a document study in terms of analyzing principles, concepts, regulations, and criteria related to legal case work, to serve as a foundation and idea in determining the approach for analysis.

### **Population:**

1. A working group consisting of 5 legal officers who have basic qualifications of working in the legal field for more than 2 years, responsible for establishing guidelines for legal case work at Suan Sunandha Rajabhat University.

2. Administrators totaling 2 people, with the basic qualifications of having worked in legal matters for more than 2 years, responsible for examining the feasibility of implementing operational guidelines for witness protection in disciplinary investigations.

### **Research Methodology:**

1. Tools used in the research

1.1 Meetings

1.2 Questionnaires on the feasibility of implementing operational guidelines for legal case work

2. Data collection

2.1 Brainstorming meetings with the working group to establish guidelines for implementing legal case work, along with preparing questionnaires on the feasibility of establishing operational guidelines for legal case work.

2.2 Using questionnaires on the feasibility of implementing operational guidelines for legal case work that have been approved by administrators to assess the feasibility of applying these guidelines.

Quantitative data analysis examines the assessment of the feasibility of implementing operational guidelines for legal case work at Suan Sunandha Rajabhat University, using the mean arithmetic X, establishing criteria for indicators that have feasibility must have a score of 3.50 and above to be considered applicable according to the criteria, as follows:

1.00 – 1.49 = Indicators of quality have the least feasibility

1.50 – 2.49 = Indicators of quality have low feasibility

2.50 – 3.49 = Indicators of quality have moderate feasibility

3.50 – 4.49 = Indicators of quality have high feasibility

4.50 – 5.00 = Indicators of quality have the highest feasibility

## **Research Results**

From the study titled “The Development of Legal Case Work at Suan Sunandha Rajabhat University” the operational procedures are as follows:

1. The lawsuit process of the university has operational steps as follows:

1.1 Notification and inquiry

1.2 Preparing the complaint and filing it with the court

1.3 Conducting the trial until the court renders a judgment

1.4 Executing the enforcement stage

2. The defense process for cases where the university or its personnel are sued has operational steps as follows:

2.1 Reviewing the complaint, collecting evidence, and preparing a summary of facts before submitting to the prosecutor

2.2 Conducting the trial until the court renders a judgment

3. The legal case work operations have relevant legal principles as follows:
  - 3.1 Administrative contracts
    - 1) The Administrative Court Act and Administrative Procedure Act B.E. 2542
    - 2) The Administrative Procedure Act B.E. 2539
    - 3) The Civil and Commercial Code
    - 4) Other relevant laws
  - 3.2 Civil contracts or contracts relating to procurement
    - 1) The Civil and Commercial Code
    - 2) The Public Procurement and Public Property Management Act B.E. 2560
    - 3) Other relevant laws

The feasibility study results of applying the operational development guidelines for the case work of Suan Sunandha Rajabhat University

The researcher surveyed opinions on the feasibility of applying the operational development guidelines for the case work of Suan Sunandha Rajabhat University, using a feasibility assessment form on applying the operational development guidelines for the case work of Suan Sunandha Rajabhat University, presented to 2 executives for evaluation and analysis of the feasibility of applying the operational development guidelines for case work. It was found that the overall feasibility of implementing the case work operational guidelines was at level 5, with an average score of 5. When considering each aspect, it was found that all aspects were at the level of being most feasible.

## **Discussion**

### **Utilization of research findings in regular work**

The research can be used as a guideline for the operations of the Disciplinary and Legal Affairs Division, Personnel Administration Bureau, Office of the President, so that the case work operational process of Suan Sunandha Rajabhat University can be used as a guideline for operations to ensure compliance with the law. This increases the efficiency of the case work staff and enhances the effectiveness of their performance, as well as providing documented evidence of work procedures that can be transmitted to new staff so they can execute their duties correctly, develop their work into professionalism, and benefit the general public interested in the matter.

### **Lessons learned**

The researcher found that case work operations are important as these operations are conducted to protect the interests of the university and the government. Furthermore, there is coordination with external agencies which involve many related operational procedures. Currently, there are many cases being litigated as administrative cases. Therefore, when the researcher conducted research on developing the case work operations of the Disciplinary and Legal Affairs Division, it resulted in the case work operations of the Disciplinary and Legal Affairs Division having clear, documented operational guidelines. This led to the enhancement of the effectiveness of the case work operations, allowing the staff involved to use the research: Routine to Research (R2R) on the development of case work operations of Suan Sunandha Rajabhat University as a guideline for case work operations, resulting in improved effectiveness of the case work of Suan Sunandha Rajabhat University.

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