

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.1.2015.

CORAM

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.31634 of 2014

and

M.P.No.1 of 2014

Dr.R.Murugeswari

Petitioner

vs.

- 1 The Registrar
Tamil Nadu Veterinary and
Animal Sciences University
Chennai 600 051
- 2 The Chairman - Admission Committee (PG)
Tamilnadu Veterinary and
Animal Sciences University Chennai 600 051 Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to permit the petitioner to undergo Ph.D., Degree Course in the part-time mode during the academic year 2014-15 by giving exception to the amended rule.

For Petitioner : Mr.D.Ferdinand

For Respondents : Mr.V.Gangadharan

ORDER

The writ petitioner submitted an application for doing Ph.D for the academic year 2014-15. She was provisionally selected by the second respondent vide proceedings dated 18.9.2014. However, the petitioner could not join on account of the fact that she has not completed 5 years of service in the University which is a mandatory condition for joining the Ph.D programme. The petitioner submitted series of representations requesting the first respondent to relax the condition with regard to five years of service. Since, the said representations were not considered, the petitioner is before this court.

2. Learned counsel for the petitioner, by placing reliance on the proceedings dated 7.8.2008 in the case of Dr.Sureshkumar, wherein his earlier services rendered in Industrial Toxicology Research Centre, Lucknow, prior to joining the Tamil Nadu Veterinary and Animal Sciences University, was considered for relaxing the condition, submitted that the petitioner had worked as Scientist-I at National Dairy Development Board, Anand, Gujarat for five years four months and three days prior to his appointment in Tamil Nadu Veterinary and Animal Sciences University and as such she is also eligible to get relaxation and count such service for the purpose of calculating the total period of service in the University to do Ph.D.

3. Learned Standing Counsel appearing for the University submitted that the petitioner was subsequently selected for the full time course Ph.D., but, however, she opted for part time course. The learned counsel further submitted that there is no provision to grant such relaxation. The learned counsel further contended that the course commenced on 13.10.2014 itself and as such, there is no question of giving admission now.

4. The question as to whether the petitioner should be given the benefit of relaxation is an issue to be considered by the first respondent. There is no statute framed by the University for granting such relaxation. The petitioner is placing reliance on the case of Dr.V.Sureshkumar. Therefore, it is for the University to take a decision in the matter.

5. The first respondent is directed to consider and dispose of the representation dated 7.11.2014 on merits and in accordance with law. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

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To

- 1 The Registrar
Tamil Nadu Veterinary and
Animal Sciences University
Chennai 600 051
 - 2 The Chairman - Admission Committee (PG)
Tamilnadu Veterinary and
Animal Sciences University Chennai 600 051.
- 1 cc to Mr.V.Gangadharan ,Advocate, SR.No.4156
- 1 cc to M/s.BFS Legal ,Advocate, SR.No.4231

W.P.No.31634 of 2014

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pmk.5.2.2015



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