

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2015

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THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21823 of 2015

P.Singaravelu

... Petitioner

Vs.

- 1 The Union of India
Represented by its Chief Secretary
Government of Puducherry Pondicherry
- 2 The Inspector General of Police
Police Department Puducherry
- 3 The Superintendent of Police
(Head Quarters) Police Department
Puducherry
- 4 Mrs. C. Mary Francisca ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of quo warranto calling upon the 4th respondent under what authority she continues to hold the post of Sub Inspector All Women Police Station, Puducherry and DECLARE the said post vacant.

For Petitioner : Mr.V.Vasanthakumar

For Respondents : Mr.A.Tamilvanan

Government Advocate (Pondicherry)

सत्यमेव जयते
O R D E R

Heard both sides. By consent, the writ petition is taken up for final disposal.

2.According to the petitioner, the fourth respondent was recruited to the post of Sub Inspector of Police in the Puducherry Government. The qualification prescribed for the post is a degree from a University. It is the case of the petitioner that the fourth respondent obtained B.A. degree through Annamalai University. It is the further case of the petitioner that the fourth respondent obtained degree through open university mode, without passing +2. Hence the degree obtained by the fourth respondent is invalid and she could not have been considered for the post of Sub Inspector.

3.The learned counsel for the petitioner has strenuously contended that the degree obtained by the fourth respondent without +2 is contrary to the UGC regulations and also contrary to the decision of the Hon'ble Apex Court in the case of Annamalai University V. Secretary to Government, Information and Tourism Department, (2009) 4 SCC 590, confirming the judgment of the Division Bench of this Court in N.Ramesh V. Sibi Madan Gabriel, (2008) 3 MLJ 255, holding that a post-graduate degree without a basic degree is not a valid one.

4.I have considered the submission made by the learned counsel for the petitioner. The Hon'ble Apex Court has held in Annamalai University V. Secretary to Government, Information and Tourism Department, (2009) 4 SCC 590, that one cannot obtain the Post Graduate degree in Distance Education mode without getting the basic degree. The judgment nowhere held that a person cannot get a degree without passing +2. Infact, I had an occasion to consider in detail the issue in the order dated 21.04.2014 in W.P.Nos.13054 of 2010 etc batch, wherein, I had held that one can obtain degree without passing +2 as per the UGC Regulations. In view of the same, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1 The Union of India
Represented by its Chief Secretary
Government of Puducherry Pondicherry

2 The Inspector General of Police
Police Department Puducherry

3 The Superintendent of Police
(Head Quarters) Police Department
Puducherry.

1 cc to Mr.V.Vasanthakumar, Advocate Sr.No.

1 cc to Sr.Government Pleader-cum-Sr.Public Prosecutor.Sr.No.37498/15

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CA (CO)
PMK.28.8.2015