

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.NO. 10913 OF 2006

and

W.P.M.P. No.12369 of 2006

S. Jayanthi

...Petitioner

Vs.

1. The State of Tamilnadu
Rep. by its Secretary to Government
Higher Education Department
Fort St. George
Chennai - 9.
2. The Commissioner of Technical Education
Directorate of Technical Education
Chennai - 25.
3. Mr. P. Senthilmuthalvan [Given up]
[As per order dated 02.02.2015]
4. V.M. Shanthi
5. P.D. Arumairaj
6. S. Sidharthan

...Respondents

PRAYER: Petition has been filed under section 226 of the Constitution of India to issue an order of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent in G.O. Ms. No.432 Higher Education (L1) Department dated 8.11.2005 and quash the same and consequently, directing the 1st and 2nd respondents to appoint the petitioner to the post of Assistant Professor with effect from the date of acquiring of the Ph.D qualification and forbearing in any manner making promotion to the post of Assistant Professor without following the qualification

prescribed by G.O. Ms. No. 305 Higher Education (C2) Department dated 18.11.2000 and pass further orders.

For petitioner : Mr. R. Suresh Kumar

For respondents : Mr. R. Govindasamy, AGP for R1 and R2

Mr. A. Thiagarajan for R4

Mr. S.M. Subramaniam for R5

Mr. R. Rengaramanujam for R6

R-3 Given Up

O R D E R

This Writ Petition is filed by Ms. S. Jayanthi, challenging the impugned G.O. Ms. No.432 Higher Education (L1) Department dated 8.11.2005 and quash the same with a consequential direction to appoint the petitioner to the post of Assistant Professor with effect from the date of acquiring of the Ph.D qualification and with a further direction to forbear in any manner making promotion to the post of Assistant Professor without following the qualification prescribed by G.O.Ms. No. 305 Higher Education (C2) Department dated 18.11.2000.

2. Mr. R. Suresh Kumar, learned counsel appearing for the petitioner submitted before this Court that the promotion given to the respondents 4 to 6 are against sub paragraph 2, of paragraph 2 of G.O. (Ms.) No.305 Higher Education (C2) Department dated 18.07.2000, wherein it is specifically mentioned that for the grade of Assistant Professor and above, the minimum eligibility criteria would be Ph.D. On the date of giving promotion to the respondents 4, 5 and 6 they were not holding the Ph.D degrees. However, he fairly admitted before this Court that subsequent to the passing of G.O. (Ms.) No.305 Higher Education (C2) Department dated 18.07.2000, the respondents have also passed one another G.O. (Ms.) No. 342 Higher Education (C 20) Department dated 07.08.2000, within less than one month, diluting the above said qualification mentioned in sub paragraph 2(2) of G.O. (Ms.) No.305 Higher Education(C2) Department dated 18.07.2000 and hence nothing survives in this petition. The third respondent is no more and therefore he is given up.

3. In view of the above, since nothing survives in the Writ Petition, the same is dismissed as infructuous. No order as to costs.

Sd/-
Assistant Registrar(AD-I)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Secretary to Government
Higher Education Department
Fort St. George
Chennai - 9.
 2. The Commissioner of Technical Education
Directorate of Technical Education
Chennai - 25.
- 1 CC to Mr. R. Rengaramanujam, Advocate SR.No. 6750
1 CC to Mr. R. Suresh Kumar, Advocate SR.No. 6735
1 CC to Mr. A. Thiyagarajan, Advocate SR.No. 6746
1 CC to Mr. S.M. Subramaniam, Advocate SR.No. 7006
1 CC to the Government Pleader, SR.No. 6957

सत्यमेव जयते

W.P.NO. 10913 OF 2006
and

W.P.M.P. No.12369 of 2006

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CNR (CO)
PSI (26.02.2015)