



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.23026 of 2015

Rupesh

.. Petitioner

vs.

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram-2.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records relating to the proceedings of the respondent made in University Order No.928/(C1)2015 dt:28.11.2015 and quash the same.

For Petitioner	:Mr.M.Suresh Kumar
For Respondent	:Mr.C.Venkatesh Kumar for M/s Ajmal Associates

ORDER

This writ petition has been filed by the petitioner challenging the impugned order dated 28.11.2015 passed in University Order No.928/(C1) 2015 by the Registrar of Annamalai University, Chidambaram, in and by which, the petitioner has been re-designated as Special Officer Grade II in the revised pay band of Rs.9300-34800+Grade Pay of Rs.5100/- with admissible allowances with effect from 1.11.2015 from the post of Special Officer, on the ground that they have not possessed the minimum educational qualification of Post Graduate Degree with Second Class for holding the post of Special Officer, as per the University Calendar in Chapter XXVII-Standing Orders.

2.After elaborately considering this issue, I have rendered a judgment in W.P.Nos.38537 etc batch, dated 06.06.2016 dismissing the batch of writ petitions. At this juncture, it is relevant to extract paragraphs 23 and 24 of the order made in the above said batch of writ petitions, which are given as under:-

''23. As a matter of fact, I could foresee more risks would besiege the petitioners in the event of remand, for, if the impugned order on the ground of violation of the principles of natural justice or on the ground of violation of Rule 7(a) or that the Vice Chancellor who is the



competent authority has not passed the order is to be interfered with, the respondent University may even go to the extreme extent of terminating the services of the petitioners, which would be causing much prejudice not only to the petitioners but to their families at this stage. Hence, I decline to remand the matters back. Moreover, as highlighted above, when none of the appointments have been made pursuant to the notification issued to the public calling for applications from the eligible candidates, since the appointments were based on individual applications without inviting applications in the manner known to law, the said approach will not meet the legal requirement of Articles 14 and 16 of the Constitution of India. Secondly, they do not have the minimum requisite educational qualification of post graduate degree with second class for the post of Special Officer. Therefore, when their appointments were bad from the inception, they do not get sanctified at a later stage. Finally, it is a well settled legal position that any person lacking eligibility cannot approach the Court for the reason that he does not have a right which can be enforced through Court. Hence the claims of the petitioners are negatived.

24. For all the aforementioned reasons, this Court, fully agreeing with the impugned order, has no hesitation to reject the prayer of the petitioners. Accordingly, all the writ petitions fail and they are dismissed. Consequently, interim order stands vacated and the M.P.Nos.1 & 2 of 2015, W.M.P.Nos.151, 152, 4723, 5733, 7882, 7884, 7886, 7888, 7890, 7892, 7894, 7896, 7898, 7900 of 2016 are also dismissed. There shall be no order as to costs.''

3. In the light of the order made in W.P.Nos.38537 etc batch, dated 06.06.2016, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram-2.
+1cc to Mr. Ajmal Associates, Advocate Sr.No.29618

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AA/NGM-MP/28.06.2016/2p-3c

W.P. (MD) No.23026 of 2015

10.06.2016