

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2018

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Writ Appeal No.1548 of 2018

Dr.K.S.Sridhar

.. Appellant /Petitioner

Vs.

1. State of Tami Nadu,
represented by its Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai 600 009.
2. The Vice-Chancellor,
University of Madras,
Chepauk, Chennai 600 005.
3. Pachaiyappa's Trust Board,
represented by its Member Secretary,
Pachaiyappa's Trust Board Office,
Pachaiyappa's College,
Chennai 600 030.
4. Directorate of Collegiate Education,
Office of the Director of Collegiate Education,
9th Floor, E.V.K.Sampath Buildings,
College Road, Chennai 600 006.
5. The Selection Committee,
represented by its Chairman,
Pachaiyappa's Trust Board Office,
Pachaiyappa's College,
Chennai 600 030.
6. Dr.G.Karunamoorthi
7. Dr.M.Sivarajan ... Respondents

(R7 impleaded by an order of this Court, dated 24.08.2018 in C.M.P.No.14422 of 2018 in W.A.No.1548 of 2018)

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 08.06.2018 passed by a learned Single

Judge of this Court in W.P.No.12126 of 2018.

W.P.No. 12126 of 2018: Writ Petition filed under Article 226 of the Constitution of India seeking for a writ of certiorari and mandamus to call for the records in connection with the impugned circular of the 3rd respondent dated 20.04.2018 in proceedings Rc.No.A1/682/2018 and quash the same as illegal arbitrary and not binding on the petitioners and consequently direct the 3rd respondent to issue a fresh Notification in accordance with the regulation of the University Grants Commission 2010 implemented by the University of Madras in Proceedings No.A-II/ MPV/UGC regulation 2010/ 2018/564 to the post of principal.

For Appellant : Mr.R.Singaravelan,
Senior Counsel
for Mr.V.Srinath

For Respondents 1 & 4 : Mr.C.Munusamy,
Special Govt. Pleader (Education)

For 2nd Respondent : Mr.Stalin Abhimanyu

For 3rd Respondent : Mr.K.V.Sundararajan

For Respondents 4 & 5 : Mr.P.V.S.Giridhar,
for M/s.Giridhar & Sai

For 7th Respondent : Mr.Raja Shrinivas

(Judgment delivered by Huluvadi G.Ramesh,J.)

Being aggrieved by the order dated 08.06.2018 passed by the learned Single Judge in W.P.No.12126 of 2018, the Writ Petitioner has come up with the present Writ Appeal.

2. The Learned Single Judge of this Court, by an order dated 08.06.2018 in W.P.No.12126 of 2018, has dismissed the Writ Petition for non-prosecution, by holding as under:

"4. Be that as it may, since the matter was heard substantially for two occasions and the case was posted today just to satisfy the maintainability of the writ petition and none of the learned senior counsel appears and the learned junior counsel is not in a position to satisfy this Court about the order passed in the writ appeal and unable to furnish the number thereof, but the Junior Counsel appearing for the

petitioners submits that since the writ appeal was disposed of and sought for an adjournment to furnish the copy thereof, though she was asked to call for the senior counsel to appraise this Court about the order passed in the writ appeal and did not make any sincere effort but only say that senior is busy in other court and hence, the case be adjourned, I am of the view that the petitioners are recalcitrant litigant and wants to drag the matter somehow or other, though an interim order has been passed in their favour. Considering the same, this Court is not inclined to adjourn the matter further and dismiss these writ petitions for non prosecution as no argument is advanced on merit today on the writ petitions. Consequently, the connected miscellaneous petitions are also closed. No costs."

3. Heard the learned counsel for the parties and perused the material documents available on record.

4. Learned Senior Counsel appearing for the Appellant/Writ Petitioner seeks one more opportunity to appear before the Learned Single Judge and prosecute the Writ Petition.

5. Hence, without going into the merits of the case, the order dated 08.06.2018 passed in W.P.No.12126 of 2018 is set aside and the Learned Counsel for the parties are directed to appear before the Learned Single Judge on 28.08.2018, failing which, the Learned Single Judge is at liberty to pass appropriate orders in accordance with law.

The Writ Appeal is disposed of with the above direction. No costs. Consequently, connected C.M.P.Nos.12533 and 12534 of 2018 are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

(aeb)

To:

1. The Principal Secretary to Government,
State of Tami Nadu,
Higher Education Department,
Fort St. George, Chennai 600 009.

2. Directorate of Collegiate Education,
Office of the Director of Collegiate Education,
9th Floor, E.V.K.Sampath Buildings,
College Road, Chennai 600 006.

+1cc to Mr.V.Srinath, Advocate SR.No.58106

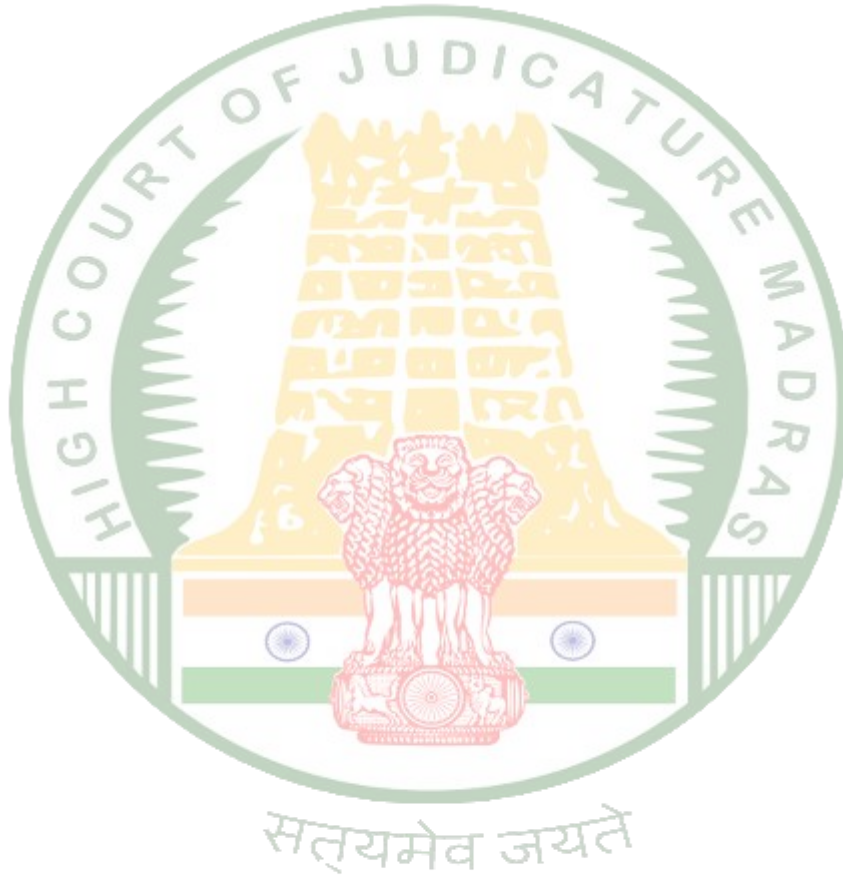
+1cc to Mr.K.V.Sundararajan, Advocate SR.No.58057

+1cc to M/s Giridhar & Sai, Advocate SR.No. 57957

W.A.No.1548 of 2018

VGII(CO)

GN(27/08/2018)



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