



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2018

CORAM :

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.17164 of 2017

&

WMP (MD) Nos.13733 & 13734 of 2017

E.Mishma

... Petitioner

Vs.

- 1.The University Grants Commission,
Rep by its Chairman,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.
- 2.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Department of Higher Education,
Fort St. George, Chennai - 600 009.
- 3.The Director of Collegiate Education,
College Road, Chennai - 600 006.
- 4.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli,
Tirunelveli District - 627 008.
- 5.Manonmaniam Sundaranar University,
Rep. by its Registrar, Abishekapatti,
Tirunelveli, Tirunelveli District.
- 6.Sarah Tucker College (Autonomous),
Rep by its Secretary,
Tirunelveli - 627 007,
Tirunelveli District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings passed by the fifth respondent Manonmaniam Sundaranar University dated 27.07.2017, quash the same and further direct the fifth respondent university herein to approve the qualification of the petitioner as Assistant Professor in English in the sixth respondent college from the date of SEI Exam ie., w.e.f, 21.02.2016.



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For Petitioner

: Mr.T.Sibi Chakraborty
for Isaac Chambers

For respondents

: Mrs.S.Srimathy,
Special Govt.Pleader
for R2 to R4

Mr.V.Maharajan for R1

Mr.N.Mahaboob Athif for
Ajmal Associates for R5

O R D E R

The writ petitioner was appointed as Assistant Professor in the department of English in the sixth respondent college on 03.03.2014. On the said date, the writ petitioner did not possess the requisite qualification as per the University Grants Commission's norms. Therefore, the fifth respondent university declined to accord qualification approval. The writ petitioner once again took exams and obtained the requisite qualification as per the UGC norms in the year 2016. Therefore, the sixth respondent submitted a fresh proposal on 22.03.2017 calling upon the university to approve her qualification from the date of SET examination held on 21.02.2016 and her subsequent clearance. The university declined to grant accord qualification approval on the footing that she did not possess the qualification as on 17.03.2014.

2.Heard the learned counsel on either side.

3.This Court is of the view that the reasons assigned in the impugned order dated 27.07.2017 are not sustainable in law. The writ petitioner is very much eligible to be appointed in the post of Assistant Professor. The sixth respondent college management had re-submitted the proposal. Admittedly, the writ petitioner had cleared SET Test. Therefore, there cannot be any impediment in directing the sixth respondent university to accord qualification approval. Since nothing has brought on record to hold that the writ petitioner is not entitled to such qualification approval, this Court is of the view that to shorten time, relief can be granted straight away in this very proceeding.

4.The impugned proceeding dated 27.07.2017 stands quashed and the fifth respondent is directed to approve the qualification of the writ petitioner as Assistant Professor in English in the sixth respondent college from the date of SET Exam ie., with effect from 21.02.2016.



5. This writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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/True Copy/

Sd/-
Assistant Registrar (RTI)

Sub-Assistant Registrar

To

1. The Principal Secretary,
Department of Higher Education,
Fort St. George, Chennai - 600 009.
2. The Director of Collegiate Education,
College Road, Chennai - 600 006.
3. The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli,
Tirunelveli District - 627 008.
4. The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli, Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.44008

+One cc to M/s.Ajmal Associates, Advocate, SR.No.43301

+One cc to M/s.Isaac Chamber, Advocate, SR.No.43346

skm

RL/8C/3P/KKR/SAR3/8/2/2018

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