



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 24.01.2018

CORAM

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W. P. (MD) No.14441 of 2011

Sankaran

... Petitioner

-Vs-

1.The Vice Chancellor,
Alagappa University,
Alagappapuram,
Karaikudi Town,
Sivagangai District.

2.The Registrar,
Alagappa University,
Alagappapuram,
Karaikudi Town,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent University to consider the case of the petitioner on merits on his representations and to promote the petitioner as Junior Assistant w.e.f. 30.09.2001 or 30.09.2006 as the case may be with all benefits that would have been accrued to the petitioner on such promotion.

For Petitioner : Mr.R.Sundar Srinivasan

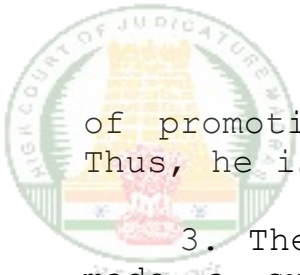
For R-1 : Mr.J.Viswanathan

For R-2 : Mr.T.Cibi Chakraborty

ORDER

The relief sought for in this writ petition is for a direction to the respondents to promote the petitioner as Junior Assistant w.e.f. 30.09.2001 or 30.09.2006 as the case may be with all benefits.

2. The writ petitioner is employed in the respondent University as Record Clerk. The next avenue for promotion is to the post of Junior Assistant. The petitioner claims that his right



of promotion to the post of Junior Assistant has been denied. Thus, he is constrained to move the present writ petition.

3. The learned counsel appearing on behalf of the University made a submission that as per the Service Rules of Alagappa University, the essential qualification for the post of Junior Assistant are as follows:

"(1) First or Second Class Bachelor's Degree of a University (50% of B Grade).

(2) Typewriting Higher Grade in Tamil and English.

(3) Knowledge of Tamil, to the extent of carrying officials correspondence.

(4) Shall not have completed thirty three years for direct recruitment. I humbly submit that the syndicate has power under the statute to prescribe additional qualification for the said post of Junior Assistant.

As per the Resolution No.14, Syndicate in its meeting held on 19.02.2005, the additional qualification required for the post of Junior Assistant should be B.C.A./ B.Sc. (Computer Science) Graduate or any Graduate with P.G.D.C.A."

4. In respect of the writ petitioner, he has passed S.S.L.C., Typewriting English Higher, Typewriting Tamil Lower, TTC Weaving Lower, Conductor License and M.A., History through Open University on April, 2009. Even as per the Supreme Court judgment, the Open University M.A. Degree obtained without undergoing the regular pattern of education is invalid. Thus, the learned counsel for the respondents states that the writ petitioner is not qualified in accordance with the minimum, educational qualifications prescribed in the Regulations as applicable to the University.

5. In view of this factor, the relief as such sought for cannot be granted. Accordingly, the writ petition is dismissed. No costs. If the writ petitioner is fully qualified in accordance with the Rules, then he is at liberty to participate in the process of selection.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.R.Sundar Srinivasan , Advocate in SR No. 44091

+ 1 cc TO M/S.Isaac Chambers , Advocate in SR No. 44143

akv

AE/MR/SAR3/21.02.2018/2P/3C