



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.12534 of 2013
and
M.P (MD) No.1 of 2013

S.Kannadasan

... Petitioner

Vs

1. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai-600 006.
2. The Regional Joint Director of
Collegiate Education,
Madurai Region, Madurai.
3. The Madurai Kamaraj University,
Rep. By its Registrar,
Palkalai Nagar, Madurai,
Madurai District-625 021.
4. The President,
The Madurai Tamil Sangam,
No.54, Tamil Sangam Road,
Madurai-625 001.
5. The Secretary,
The Madurai Tamil Sangam,
No.54, Tamil Sangam Road,
Madurai-625 001.
6. The Chairman,
College Committee/Governing Board,
Senthamil Arts and Oriental College,
No.54, Tamil Sangam Road,
Madurai-625 001.
7. The Secretary,
College Committee/Governing Board,
Senthamil Arts and Senthamil Oriental Colleges,
No.54, Tamil Sangam Road,
Madurai-625 001.



8. Mr.R.Gurusamy,
The Secretary,
Senthamil Arts and Oriental College,
No.54, Tamil Sangam Road,
Madurai-625 001.

9. Arumugam
10.G.Revathi Subulakshmi
11.Indrani
12.Malarvizhi
13.Nandini
14.Gogila
15.Selva Ravi
16.Senthil Kumar
17.Nehruji

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the selection and appointment of respondents 9 to 17 herein for the posts of Assistant Professors (Tamil) in the 7th respondent Sentamil Arts and Sentamil Oriental College pursuant to the Notification issued by it in the Daily "Dhinamani" dated 04.05.2013 as illegal, null and void and consequently direct the respondents 1 to 3 to refrain from approving those appointments.

For Petitioner	: Mr.D.Kirubakaran
For R1 & R2	: Mr.R.Sethuraman, Special Government Pleader
For R3	: Mr.K.M.Makesh Kumaravel
For R4,R5,R6	
For R7	: Mr.E.V.N.Siva
For R9 to R16	: No appearance

ORDER

The relief sought for in this writ petition is for declaration to declare selection and appointment of respondents 9 to 17 for the posts of Assistant Professors (Tamil) in the 7th respondent Sentamil Arts and Sentamil Oriental College as illegal, null and void.

2.The learned counsel appearing for the petitioner states that the 7th respondent College has not followed the University Grants Commission regulations at the time of undertaking the process of selection. Thus, the entire selection should be declared as null



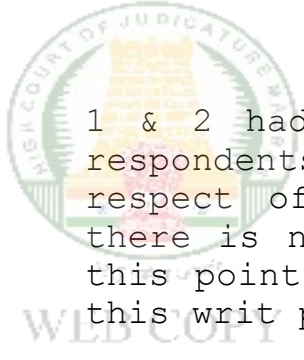
3.The learned counsel appearing on behalf of the petitioner states that the Selection Committee constituted for the purpose of selecting the candidates was not in accordance with the University Grants Commission regulations. Through an improper Selection Committee, the respondents 9 to 17 were appointed as Assistant Professors in the College.

4.However, the 7th respondent has not filed any counter affidavit and the respondents 1 and 2 filed counter by stating that the 7th respondent college management has to follow the University Grants Commission's Norms prescribed for appointment to the post of Assistant Professor (now re-designated as Lecturer) in Tamil and to the post of Librarian. The said college management has published a Notification in the English Daily "Indian Express" which is circulated nation wide and another notification in Tamil Daily "Dhinamani" which is circulated all over Tamilnadu and by their website the notification details can be downloaded not only nation wide but also all over the world. Further, it is stated that the college committee of the 7th respondent college is empowered to appoint the teachers and other persons in approved vacant posts as per the provisions of the Tamil Nadu Private Colleges (Regulation) Act, 1976 and the Rules framed there under. Accordingly, the 7th respondent has taken action to fill up the approved vacant posts as determined by the first respondent herein. As regards to the formation of the college committee and its constitutions and function, Act 11 to 14 under CHAPTER III of the Tamil Nadu Private Colleges (Regulation) Act, 1976 is to be followed by the 7th respondent.

5.It is the duty of the second respondent to verify the particulars and facts regarding the selection and appointment of candidates by following the procedures prescribed as above while the proposals are sent to him by the 7th respondent after making such appointments. It is the sole discretion of the selection committee of the 7th respondent college to select candidates and the petitioner cannot insist on the right to selection. The first and second respondents cannot interfere with the matter of selection of candidates in the 7th respondent college. The second respondent herein will verify all the documents of the selected and appointed candidates only after the 7th respondent seeks approval of the second respondent of the selected and appointed candidates. Therefore, the merits of the writ petitioner at this stage cannot be described by the first respondent.

6.This Court is of an opinion that whenever the proposal is submitted seeking approval of appointment, the respondents 1 & 2 will scrutinize the same.

<https://hcservices.ecourts.gov.in/hcservices/> 7. Now, the learned Special Government Pleader brought to the notice of this Court that the proposal for approval was submitted along with the documents by the 7th respondent and the respondents



1 & 2 had already granted the approval of appointments to the respondents 9 to 17. Since the approval was already granted in respect of the appointments made by the competent authorities, there is no reason to interfere with the process of selection at this point of time. Thus, no further adjudication is required in this writ petition.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai-600 006.

2. The Regional Joint Director of
Collegiate Education,
Madurai Region, Madurai.

+ 1 CC TO Mr.R.M.MAKESH KUMARAVEL, ADVOCATE IN SR No. 49858
+ 1 CC TO Mr.E.V.N.SIVA, ADVOCATE IN SR No. 50023
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 50239

AM

TE/KKR/SAR-3 : 05/03/2018 : 4P/6C

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