



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAMW.P.(MD) No.9067 of 2011

K.Govindan

...Petitioner

Vs.

1.The Gandigram Rural University,
through its Registrar,
Gandhigram,
Dindigul District - 624 302.

2.The University Grants Commission,
through its Chairman,
Bahadurshat Zafar Marg,
New Delhi.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent herein to accept the recommendation of the 1st respondent herein in Ref.2001/Est.3/2009-10/dated 28.01.2010 and pass suitable orders to consider the Farm Superintendent Post in Gandhigram Rural University, Dindigul on par with other teaching posts, for grant of Career Advancement Scheme as per the UGC guidelines within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For R1 : Mr.R.Nandakumar

For R2 : Mr.B.Vijay Karthikeyan

O R D E R

The relief sought for in this writ petition is to direct the 2nd respondent to accept the recommendation of the 1st respondent herein in Ref.2001/Est.3/2009-10 dated 28.01.2010 and pass suitable orders to consider the Farm Superintendent Post in Gandhigram Rural University, Dindigul on par with other teaching posts, for granting Career Advancement Scheme as per the UGC guidelines.

2.The writ petitioner was holding the post of Farm Superintendent in Gandigram Rural University. He was appointed on 15.10.1990. The writ petitioner is a Master Degree Holder in Agriculture (Agronomy). Thereafter, he was awarded Ph.D., in Agronomy from Tamil Nadu Agricultural University in the year 2001. However, the writ petitioner is continuously working in the same post of Farm Superintendent for the past 20 years. The grievance of the writ petitioner is that the post of Farm Superintendent has to be treated on par with the teaching staffs of the University.



3. The learned counsel appearing on behalf of the writ petitioner made a submission that the first respondent / The Gandigram Rural University has recommended the case of the writ petitioner for treating the Farm Superintendent post with other teaching post under the UGC. Recommendation was also sent to the second respondent on 28.01.2010. However, the same has not been considered by the second respondent. Thus, the writ petitioner is construed to move the present writ petition under Article 226 of the Constitution of India.

4. Basically, the relief sought for in this writ petition, directing the second respondent to accept the recommendation of the 1st respondent, cannot be considered. If any such recommendations were submitted by the first respondent to the second respondent, the second respondent has to consider the same only in accordance with the provisions of the UGC Act, Rules and the Regulations issued thereon. Thus, it is not as if the second respondent can accept the recommendations directly. All recommendations, representations submitted has to be considered only on merits and in accordance with law. It is not as if a direction could be issued directly to the second respondent to accept the recommendations submitted by the first respondent. Illegality or otherwise has to be ascertained and after assigning the reasons, orders have to be passed. Thus, the relief sought for in this writ petition cannot be granted. However, if any grievances exist for the writ petitioner, as against the first respondent / The Gandigram University, it is for them to approach the UGC by way of a representation and in the event of receiving any such representation / application either from the writ petitioner or from the first respondent then it is left open to the second respondent to consider the same on merits and in accordance with law by taking a decision.

5. With these above observation, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Registrar, The Gandigram Rural University,
Gandhigram, Dindigul District - 624 302.

2. The University Grants Commission,
through its Chairman, Bahadurshat Zafar Marg, New Delhi.

+One cc to Mr. B. Vijay Karthikeyan, Advocate, SR.No.45882

+One cc to Mr. D. Nallathambi, Advocate, SR.No.45761

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RL/5C/2P/SV/MMS/SAR1/14/2/2018

W.P. (MD) No.9067 of 2011

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