

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.05.2019

Coram

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
And
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.Nos.1730 to 1733 of 2019
and C.M.P Nos.11584, 11589, 11586 and 11588 of 2019

1. The Secretary,
Law Department,
Secretariat, Government of Tamilnadu
Fort St. George,
Chennai - 9
 2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006
- ...Appellants in all the Appeals.

Vs.

1. V.Lekha
2. The Chairman,
University Grants Commission,
Bahadur Shah,
Zafar Marg, New Delhi - 110 002
3. The Director,
Directorate of Legal Studies,
Purasawalkam High Road,
Kilpauk, Chennai - 600 010
4. The Registrar,
The Tamilnadu Dr.Ambedkar Law University,
No.5, Greenways Road, Chennai - 28
5. The Registrar,
The Tamilnadu National Law School,
Dindigul Main road, Navalurkuttappattu,
Tiruchirappalli - 620 027

6. The Secretary,
Bar Council of India,
No.21, Rouse Avenue,
Institutional Area,
New Delhi - 110 002

7. The Secretary,
Bar Council of Tamilnadu & Puducherry,
Madras High Court Campus,
Chennai - 104 ..Respondents in W.A.No.1730 of 2019

8.D.Chinnasamy ..1st Respondent in W.A.No.1731 of 2019

9.P.Vinu Prasad ..1st Respondent in W.A.No.1732 of 2019

10.D.Karthik ..1st Respondent in W.A.No.1733 of 2019

11. The Registrar,
The Tamilnadu Dr.Ambedkar Law University,
Greenways Road,
Chennai - 600 028

12. The Director,
O/o Directorate of Legal Studies,
Kilpauk,
Chennai - 600 010 ..2nd and 3rd Respondents in W.A.Nos.1731
1732 and 1733 of 2019

Prayer in W.A.No.1730 of 2019: Writ Appeal filed under Clause 15
of Letters Patent to set aside the order dated 24.04.2019 made
in W.M.P.No.22979 of 2018 in W.P.No.19534 of 2018.

Prayer in W.A.No.1731 of 2019: Writ Appeal filed under Clause 15
of Letters Patent to set aside the order dated 24.04.2019 made
in W.M.P.No.23973 of 2018 in W.P.No.20391 of 2018.

Prayer in W.A.No.1732 of 2019: Writ Appeal filed under Clause 15
of Letters Patent to set aside the order dated 24.04.2019 made
in W.M.P.No.23967 of 2018 in W.P.No.20389 of 2018.

Prayer in W.A.No.1733 of 2019: Writ Appeal filed under Clause 15
of Letters Patent to set aside the order dated 24.04.2019 made
in W.M.P.No.23969 of 2018 in W.P.No.20390 of 2018 respectively.

Prayer in W.M.P.No.22979 of 2018:- To grant an order of stay of
operation of and all further proceedings pursuant to the
impugned Notification No. 2/ 2018 dated 18.07.2018 issued by 3rd
respondent the details of vacancies as per G.O.Ms.No. 464 Law
(LS) Department dated 17.07.2017 issued by the second
respondent pending disposal of the above writ petition.

Prayer in W.P.No.19534 of 2018:

To issue a Writ of Certiorari mandamus calling for the records relating to the impugned Notification No. 2/ 2018 dated 18.07.2018 in Clause (4) Qualifications: Assistant Professor (Pre-Law) sub Clause (ii) and (iv) issued by the 3rd respondent and quash the same in so far as the petitioner is concerned and consequently direct the 3rd respondent to issue revised notification in respect of educational qualification for the post of Assistant Professor (Pre-Law) and to permit the petitioner to participate in the selection process of Direct Recruitment of Assistant Professors/Assistant Professors (Pre-Law) in Government Law Colleges 2017-2018 the details of vacancies as per the G.O.Ms.No. 464 Law (LS) Department dated 17.07.2017 by the second respondent.

Prayer in W.M.P.NoS.23973,23967 & 23969 of 2018:-

To direct the respondents to reserve a seat for the petitioner pending disposal of the main writ petition respectively.

Prayer in W.P.Nos.20391,20389 & 20390 of 2018:-

To issue a writ of Certiorari mandamus calling for the records in respect of the G.O.Ms.464 Law Department dated 17.07.2017 issued by the 1st respondent and Notification / Advertisement No.2/2018 dated 18.07.2018 issued by the 2nd respondent and quash the same and consequently direct the respondents to issue a fresh notification for recruitment without insisting on Law degree with enrolment for the post of Assistant Professor (Pre-Law) as per the UGC Rules and Regulations dated 18.07.2018 respectively.

For Appellants : Mrs.Narmada Sampath,
in all Additional Advocate General assisted by
Mr.K.Karthikeyan
Government Advocate

For Respondent : Mr.G.Thyagarajan
No.1 in all

C O M M O N J U D G M E N T

[Common Judgment of the Court was made by.C.V.KARTHIKEYAN, J.]

The Writ Appeals have been filed challenging the order passed by the learned Single Judge in W.M.P.Nos.22979, 23973, 23967 and 23969 of 2018 respectively in W.P.Nos.19534, 20391, 20389 and 20390 of 2018 respectively dated 24.04.2019.

2. The said Writ Petitions have been filed to quash the Recruitment Notification No.2 of 2018 dated 18.07.2018, more specifically in respect of the qualification prescribed for appointment to the post of Assistant Professor (Pre-Law) in the

Directorate of Legal Studies in Dr.Ambedkar Law College and also in Tamil Nadu National Law School.

3. The learned Additional Advocate General appearing for the appellants is aggrieved by the portion of the direction given in the impugned order, which is as follows:

'7. However, it is contended that the results in respect of the other candidates were already declared and therefore the results of the writ petitioner also shall be declared and if the petitioner is selected, she can also be considered along with other candidates in merits and in accordance with law.'

4. However, having permitted the 1st respondent in all the Writ Appeals to participate in the examination, the natural consequence is that the results should also be declared. Consequently, we hold that the results can be declared. But, the other direction relating to selection of the candidate, particularly because it is claimed that the 1st respondent(s) herein / petitioners in the Writ Petitions are not fully qualified to function as teachers, is a matter to be decided once again before the learned Single Judge.

5. Therefore, we are of the opinion on the direction regarding consideration of the Writ Petitioners along with other candidates on merits and in accordance with law as given by the learned Single Judge, is an aspect, which can be agitated before the learned Single Judge. Consequently, the present Writ Appeals are disposed of with the direction to only declare the results and granting permission to the Writ appellants to raise all other aspects before the learned Single Judge.

With the above directions, the Writ Appeals are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssd / vrn

To

1. The Chairman,
University Grants Commission,
Bahadur Shah,
Zafar Marg, New Delhi - 110 002

2. The Director,
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Purasawalkam High Road,
Kilpauk, Chennai - 600 010
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8. The Director,
O/o Directorate of Legal Studies,
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Chennai - 600 010

+4 cc's to Mr. G. Thiyagarajan, Advocate Sr. Nos. 43905 to 43908
+1 cc to The Government Pleader, SR. No. 44030 to 44033

W.A. Nos. 1730 to 1733 of 2019
and C.M.P. Nos. 11584, 11589, 11586 and of 2019

CSL/07.06.2019

सत्यमेव जयते

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