

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.17697 of 2019

Mrs.S.Nageswari

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep by its Principal Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.
- 2.The University of Madras,
rep by its Registrar, Chepauk,
Chennai - 600 005.
- 3.Director of Collegiate Education,
Office of the Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai - 600 006.
- 4.S.I.V.E.T. College,
rep by its Secretary,
Velachery Main Road,
Gowrivakkam, Chennai - 600 073.
- 5.Dr.S.Usharani,
Principal, S.I.V.E.T. College,
Velachery Main Road,
Gowrivakkam, Chennai - 600 073.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Quo Warranto, calling upon the 5th respondent to show cause by what authority she claims to have use, handle and perform rights, duties, privileges of the office of the Principal in the fourth respondent College and consequently, remove her from that post.

For Petitioner .. Mr.M.Ganesh

For Respondents.. Mr.K.Karthikeyan, G.A.
for R.1 & R.3
Mr.L.P.Shanmuga Sundaram
for R.2
Mr.K.Shakesphere
for R.4 & R.5

ORDER

The present writ petition has been filed questioning the appointment of the 5th respondent as Principal of the 4th respondent College.

2.In response to the notice in the writ petition, Mr.K.Karthikeyan, learned Government Advocate entered appearance for R1 to R3, Mr.L.P.Shanmughasundaram, learned Special Government Pleader entered appearance for R2 and Mr.K.Shakespeare, learned counsel entered appearance on behalf of the respondents 4 & 5 and a counter affidavit has also been filed on behalf of the R4 and R5.

3.In the counter affidavit, it is averred that the petitioner has no locus standi to question the appointment of the 5th respondent on the ground that the petitioner was not one of the five candidates participated in the selection. She was a retired Lecturer of the College, who has 12 years of service in the Chemistry Department.

4.This Court, after going through the materials and pleadings placed on record, is in agreement with the submission made on behalf of the fifth respondent that the petitioner has no locus standi to question the appointment of the fifth respondent for the simple reason that she was not one of the eligible candidates participated in the selection, which culminated in the appointment of the fifth respondent as Principal in the fourth respondent College, on 01.06.2018. The petitioner being a retired teaching staff in the Chemistry Department, probably has some axe to grind against the fifth respondent, since the fifth respondent also happened to work in the same department when the petitioner was in service. Therefore, the present writ petition appears to be motivated and lacks bona fides and such writ of quo warranto cannot be issued

at the instance of the writ petitioner. Even otherwise, the challenge to the appointment of the fifth respondent is without any basis and therefore, both on the ground of lack of locus standi and also on merits the writ petition is not maintainable and therefore, the same is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

mrm/msk

To

1.The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.

2.The Registrar, Chepauk,
The University of Madras,
Chennai - 600 005.

3.The Director of Collegiate Education,
Office of the Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai - 600 006.

+1cc to Mr.M.Ganesh, Advocate SR.No.66946

+1cc to Mr.K.Shakesphere, Advocate SR.No.66959

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate SR.No.68164

+1cc to Government Pleader SR.No.68118

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RSI (CO)
GMY (10/09/2019)

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