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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34497 of 2019

S.Anbu Selvam

...Petitioner

Vs.

1. The Managing Director,
Aavin Illam
Tamilnadu Cooperative Milk Producers
Federation Limited (TCMPF)
No.3A, Pasumpon Muthuramalingar Salai,
Nandanam, Chennai 600 035.
 2. The General Manager,
Erode District Cooperative Milk Producers
Union Limited
Sri Vasavi College Post.
Erode 638 316.
 3. The Registrar
Thiruvalluvar University,
Serkadu,
Vellore 632 115.
 4. The Controller of Examination
Thiruvalluvar University,
Serkadu, Vellore 632 115.
 5. The Principal
Muthuramgam Govt. Arts College (Autonomous)
Vellore 02.
- .. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to treat the MBA degree obtained by me in the year 2009 from the third respondent university vide Registration No.2750269 is in respect of specialisation in Human Resource & Marketing.



For Petitioner

: Mr.S.Udhayakumar

For Respondents

: Mr.L.P.Shanmugasundaram
Spl. Government Pleader for RR 1 & 2

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Mr. V.Kadhirvel
Spl. Government Pleader for RR 3 & 4

O R D E R

Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co. Op.) takes notice on behalf of respondents 1 and 2 and Mr.V.Kadhirvel, learned Special Government Pleader takes notice on behalf of respondents 3 and 4. Considering the limited scope of the Writ Petition, it is taken up for final hearing with the consent of the learned counsels appearing on either side.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus directing the second respondent to treat the MBA Degree obtained by the petitioner from the third respondent University as sufficient to be considered for selection to the post of Manager-Industrial Relations, which is sought to be filled up by the second respondent Society.

3. The case of the petitioner is that the second respondent had issued a notification on 06.07.2019 calling for applications to fill up the post of Manager-Industrial Relations. In the said notification, the qualification that has been prescribed is that the candidate must possess any degree and MBA with specialisation in Human Resource and Industrial Relations. According to the petitioner, even though the certificate issued by the third respondent University has simply stated as Master of Business Administration, the petitioner did undergo specialisation both in Human Resource as well as in Marketing. The grievance of the petitioner is that he was not considered for selection to the post only on the ground that the Certificate that was produced by the petitioner did not indicate that the petitioner had specialised in Human Resources and Marketing, while undergoing the MBA Degree. The petitioner had applied for the said post and at the time of Certificate verification, he was not considered for selection.

4. The learned counsel for the petitioner submitted that the petitioner has already made a representation to the third and fourth respondents requesting them to issue a Certificate to the effect that the petitioner underwent specialisation both in Human Resource Management as well as in Marketing. This



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representation was not considered by the third and fourth respondents. In the meantime, the second respondent is insisting for such certificate, in order to consider the appointment of the petitioner to the post of Manager-Industrial Relations. The learned counsel submitted that the second respondent must be directed to consider the MBA Degree Certificate submitted by the petitioner for selection.

5. Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co. Op.) appearing on behalf of respondents 1 and 2, submitted that as per the bye-laws of the Society, any person who requires to be considered for selection to the post of Manager (Administrative/Personnel) - Industrial Relations, must possess an MBA with specialisation in Human Resources and Industrial Relations. The learned Counsel submitted that without this specialisation, no candidate can be considered for the said post. The learned counsel by bringing to the notice of this Court, the Degree Certificate that was issued to the petitioner by the third respondent University, submitted that there is absolutely no indication in the certificate that the petitioner has undergone the required specialisation. The learned counsel submitted that the second respondent had also given time to the petitioner to produce the necessary certificate from the University by certifying that the petitioner had undergone specialisation in the relevant subjects. The learned counsel further submitted that for the present appointment process has been kept in abeyance due to Election process.

6. The second respondent has to strictly go by the available bye-laws and the second respondent cannot assume any specialisation on the part of any candidate without there being a very specific indication in the certificate issued by the concerned university. The petitioner is claiming to have specialised both in Human Resource Management as well as in Marketing. However, the Certificate that has been issued by the third respondent University does not give any such indication. Therefore, the second respondent cannot assume something which is not available in the certificate. Therefore, it will become necessary for the petitioner to get a clarification in this regard from the concerned University and submit the necessary material before the second respondent in order to enable the second respondent to proceed further with the process of considering the petitioner for selection to the above said post.



7. In view of the above discussion, there shall be a direction to the petitioner to submit a fresh representation to the third and fourth respondents seeking for a certificate to the effect that the petitioner had undergone specialisation in Human Resource Management and Marketing. The Competent Authorities to consider the same would be only the third and fourth respondent. The petitioner in fact had also submitted representation earlier to the fourth respondent on 02.12.2019 in this regard. On receipt of the representation made by the petitioner, the third and fourth respondents are directed to verify and issue an appropriate certificate to the petitioner with regard to the specialisation that was undergone by the petitioner at the time of doing his MBA Degree. Necessary order/certificate shall be given to the petitioner within a period of two weeks from the date of receipt of the representation from the petitioner. Immediately on receipt of the order/certificate from the third and fourth respondents, the petitioner shall submit the same, before the second respondent on or before 10.01.2020. The second respondent shall thereafter process the application submitted by the petitioner in accordance with Rules and take a decision accordingly.

8. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-)

// True Copy//

Sub Assistant Registrar

jv

To

1. The Managing Director,
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2. The General Manager,
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Erode 638 316.



3. The Registrar
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4. The Controller of Examination
Thiruvalluvar University,
Serkadu, Vellore 632 115.

5. The Principal
Muthurangam Govt. Arts College (Autonomous)
Vellore 02.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, SR.No.105401.
+1cc to Government Pleader, SR.No.105269, 105333, 105267.
+1CC to Mr.S.Udayakumar, Advocate, SR.No.105245.

W.P.No.34497 of 2019

AD (CO)
CSR(19/12/2019)