



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD)No.18608 of 2013
and
M.P. (MD)Nos.1 and 2 of 2013

K.S.Chitra

... Petitioner

-Vs-

The Joint Director,
Department of Kallar Reclamation,
Madurai-625 020.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in his proceedings in Na.Ka.No.H3/95333/2013, dated 10.10.2013 and quash the same and consequently, directing the respondent to include the name of the petitioner in the eligible candidates / promotion panel for the post of B.T. Assistant (History) in Na.Ka.No.H3/95333/2012, dated 30.09.2013 as per the seniority list and directing the respondent to promote the petitioner to the post of B.T. Assistant (History) with all attendant and monetary benefits.

For Petitioner : Mr.C.Jeganathan

For Respondent : Mrs.S.Srimathy,
Additional Government Pleader.

ORDER

The impugned order dated 10.10.2013 states that the writ petitioner acquired M.A., qualification through open university system. Such an open university degree of M.A., was obtained without undergoing three years B.A., degree course. Thus, the name of the writ petitioner was not included in the list of eligible candidates.

2.Admittedly, the writ petitioner was appointed as Secondary Grade Teacher. She possessed M.A., degree through open university system without undergoing three years B.A., degree course.



3. *Prima facie*, the writ petitioner has not established that she had undergone the degree course as well as acquired P.G., degree course in accordance with the education pattern prescribed by UGC regulations. The degrees are to be granted through regular pattern of education i.e., 10+2+3+2. Therefore, any degree granted through open university system is invalid.

4. The Hon'ble Supreme Court of India elaborately adjudicated the validity of such degrees obtained through open university system without undergoing regular educational pattern in the case of **Annamalai University Vs. The Secretary to the Government, Information and Tourism Department and others** reported in (2009) 4 SCC 590. The Hon'ble Supreme Court of India in unequivocal terms held that the degrees granted in violation of the UGC regulations cannot be accepted for the purpose of public employment / promotion.

5. The validity of the degrees granted through open university system without undergoing the regular pattern of education was adjudicated and the Hon'ble Apex Court also stated that all such degrees are invalid and can be declared as invalid degree.

6. In the present case on hand, admittedly, the writ petitioner had not undergone regular pattern of education. Without undergoing the three years B.A., degree course, the writ petitioner acquired M.A., qualification through open university system.

7. This being the factum, the order impugned is in consonance with the legal principles settled and such a degree obtained through open university system is invalid as per the judgment of the Hon'ble Supreme Court of India and therefore, the writ petitioner has not established any acceptable legal ground for the purpose of granting relief as such sought for in the present Writ Petition.

8. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //



To

The Joint Director,
Department of Kallar Reclamation,
Madurai-625 020.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-79661[F] dated
05/08/2019)

W.P. (MD)No.18608 of 2013
02.08.2019

Myr

AE/ (14.08.2019) 3P 3C