



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.4095 of 2019

and

WMP (MD) Nos.3194 to 3196 of 2019

K.Karmegam

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep.by its Secretary to Govt.,
Municipal Administration and
Water Supply Department (MAWS),
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
- 3.The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai.
- 4.The Secretary,
University Grants Commission (UGC),
Bahadur Shah Zafar Marg
New Delhi - 110 002.
- 5.The Secretary,
Bar Council of India,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan,
New Delhi - 110 002.
- 6.The Secretary,
The Bar Council of Tamil Nadu & Puducherry,
High Court Campus,
Chennai - 600 104.
- 7.The Principal,
Al-Ameen Law College,
Hosur Road,
Sudhama Nagar,
Bangalore,
Karnataka - 560 027



8.The Registrar,
Karnataka State Law University,
Sutagatti Road, Hubli,
Navanagar, Near RTO Office,
Karnataka - 580 025.

9.The Law Officer,
Madurai Corporation,
O/o.Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai - 625 020

10.Tmt.R.Sivabagyam
W/o.T.Ravindran
Law Officer,
Madurai Corporation,
Arignar Anna Maligai,
Madurai - 625 020

11.The Secretary,
Madurai Bench of Madras High Court
Advocates Association,
Madurai Bench of Madras High Court,
Madurai.

12.The Secretary,
Madurai Bench of Madras High Court
Bar Association (MMBA)
Madurai Bench of Madras High Court,
Madurai.

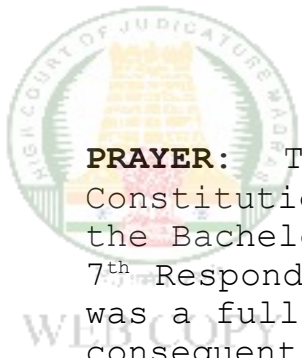
13.The Secretary,
Madurai Bar Association
Madurai Bench of Madras High Court,
Madurai.

14.The Secretary
Women Lawyers Association,
Madurai Bench of Madras High Court,
Madurai.

15.The Chief Secretary,
Government of Tamil Nadu,
St.George Fort
Chennai

... Respondents

*(R15 suo motu impleaded vide order
dated 02.04.2019)



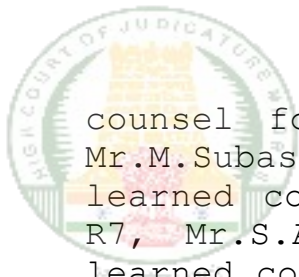
PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the Bachelor Degree in Law obtained by the 10th respondent from the 7th Respondent College and the 8th Respondent University, while she was a full time employee of the 3rd respondent is illegal, void and consequently, direct the 4th and 5th respondents to take appropriate actions against the 7th respondent college and the 8th respondent University for having conferred a law degree to the 10th respondent while she was working and receiving full salary from the 3rd respondent Corporation and to declare the Resolution No.805, dated 09.01.2015 of the 3rd respondent Council and subsequent proceedings of the 3rd respondent in Ma.Ni.1/36797/2014, dated 12.01.2015 is illegal and forbear the 10th respondent from discharging her official duties attached with the 9th respondent office and to forbear the respondents 5 and 6 from enrolling the 10th respondent as an Advocate at any point of time.

For Petitioner	: Mr.Kannan For Mr.Madhavan
For Respondents (For R1, R2 & R15)	: Mr.A.Muthu Karuppan Addl.Govt.Pleader
For Respondent-3	: Mr.T.S.Mohammed Mohideen
For Respondent-4	: Mr.Vijaya Karthikeyan
For Respondents-5	: Mr.M.Subash Babu
For Respondent-6	: Mr.Niranjan S Kumar
For Respondent-7	: Mr.S.I.Syed Munaver
For Respondent-10	: Mr.S.Anwar Sameem
For Respondents (R 8, 9, 12 to 14)	: No Appearance
For Respondents R.11	: Mr.S.Louis

O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

We have heard Mr.Kannan , learned Counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader for R1, R2 and R15, Mr.T.S.Mohammed Mohideen, learned



counsel for R3, Mr.Vijaya Karthikeyan, learned counsel for R4, Mr.M.Subash Babu, learned counsel for R5, Mr.Niranjana S Kumar, learned counsel for R6, Mr.S.I.Syed Munaver, learned counsel for R7, Mr.S.Anwar Sameem, learned counsel for 10 and Mr.S.Louis, learned counsel for R11.

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2. This Writ Petition, designed as a Public Interest Litigation, has been filed, praying for issuance of a Writ of declaration, to declare the Bachelor Degree in Law obtained by the 10th respondent from the 7th respondent College and the 8th respondent University, while she was a full time employee of Madurai Municipal Corporation, is illegal, void and consequently direct the other official respondents to take appropriate action against the College and other consequential relief.

3. The points canvassed before this Court by the petitioner, who himself is a practicing Lawyer in Virudunagar District is that the 10th respondent is stated to have undergone the Law course from the 7th respondent College, when she was a full time employee of the Madurai Municipal Corporation. Therefore, she could not have attended a full time course and secured a degree from the said College.

4. We could have considered this issue independently but for one University. This is because of a writ petition filed by another Advocate practicing before this Court, who filed a Writ Petition in W.P.(MD)No.20251 of 2015, wherein a Writ of Quo Warranto was sought for to direct the 10th respondent herein to answer how she holds the post of Law Officer in the Madurai Corporation and to direct a special investigation team to be constituted to probe into the illegal appointment of the 10th respondent herein and for other connected reliefs.

5. The contentions advanced in the said writ petition is identical to that of what has been advanced before us on the ground that she could not have secured a full time LLB degree from a College in Karnataka, when she was full time employee of the Madurai Municipal Corporation. The Division Bench heard the matter and after elaborate discussion had dismissed the writ petition, vide order dated 09.08.2017 and declined to issue a Writ of Quo Warranto.

6. This Writ Petition has been filed before this Court in the year 2019 and as pointed out by the learned standing counsel for the respondent Corporation, the petitioner would state that he is filing this writ petition on the basis of the records available in W.P.(MD)No.20251 of 2015 and on his own instigation and inducement, he seeks for a declaration of a Law degree obtained by the 10th respondent.



7. In the light of the comprehensive adjudication done by this Court in the earlier writ petition, which was a substantive litigation as a Writ of Quo Warranto was sought for and the Court having considered the submissions has dismissed the writ petition, we cannot on the same set of facts, which slightly differently worded prayer re-examine the matter, as it would amount to reviewing the earlier decision of the Division Bench. Hence, for that reason alone, the writ petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

MPK

To

- 1.The Secretary to Govt.,
The State of Tamilnadu,
Municipal Administration and
Water Supply Department (MAWS),
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,
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- 3.The Commissioner,
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Arignar Anna Maligai, Madurai.
- 4.The Secretary,
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Women Lawyers Association,
Madurai Bench of Madras High Court,
Madurai.

15.The Chief Secretary,
Government of Tamil Nadu,
St.George Fort
Chennai

+1 cc to Mr.T.Antony Arul Raj , Advocate SR.No.97878
+1 cc to Mr.T.S.Mohammed Mohideen , Advocate SR.No.97463
+1 cc to Mr.M.Subash babu, Advocate SR.No.97506
+1 cc to Mr.S.S.Madhavan , Advocate SR.No.97604
+1 cc to Mr.R.Murali , Advocate SR.No.97596
+1 cc to The Special Government Pleader Sr.No.97764

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