



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.(MD)No.851 of 2018

A.Deivendran

: Appellant/Petitioner

Vs.

1.The Madurai Kamaraj University,
Rep. by the Registrar, Madurai.

2.M.Buvaneswaran

3.University Grants Commission,
Rep. by its Chairman, New Delhi.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order dated 08.03.2018, made in W.P.(MD) No.4570 of 2010.

Prayer in WP(MD). 4570/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records pertaining to the impugned order in No.V/Asst.Prof./2010 dated 17-03-2010 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the Respondent No.1 to appoint the petitioner as an Assistant Professor in the Department of Sociology in the M.B.C Category with all consequential benefits.

For Appellant : Mr.C.Vakeeswaran

For R-1 : Mr.M.J.Shabu Jose

for M/s.Isaac Chambers

For R-2 : Mr.G.Prabhu Rajadurai

For R-3 : Mr.B.Vijay Karthikeyan

J U D G M E N T

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

This writ appeal is directed against the order made in W.P. (MD)No.4570 of 2010, dated 08.03.2018, wherein and whereby the Writ Court dismissed the writ petition filed by the appellant herein.



2.The appellant as the writ petitioner challenged the order of appointment, dated 17.03.2010, issued in favour of the second respondent herein to the post of Assistant Professor in the department of Sociology in the MBC category. Consequently, the writ petitioner sought for a direction to the first respondent University to appoint him in the said post. According to the writ petitioner, the second respondent was not having the requisite qualification for the post of Assistant Professor in the department of Sociology and therefore, his appointment was bad and illegal.

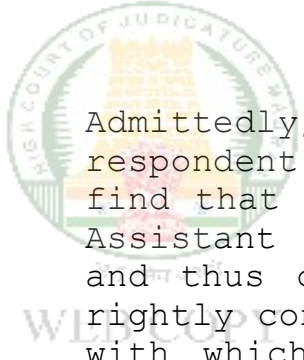
3.It is the contention of the writ petitioner that the second respondent was originally qualified in UG, PG and M.Phil., degrees only in Rural Development subject and not in Sociology and therefore, he is not entitled to get appointed in the department of Sociology. The learned counsel appearing for the appellant contended that even though the second respondent after registering Ph.D., though acquired the qualification of M.A., degree in Sociology, still his UG is in the subject of Rural Development and therefore, unless he possess all the UG, PG and M.Phil., degrees in the Sociology subject, he is not entitled to be considered for appointment in the department of Sociology.

4.On the other hand, the learned counsel appearing for the first respondent University contended that the requisite qualification for appointment to the post of Assistant Professor in the department of Sociology is that one should possess M.A., degree in Sociology with 55% marks or equivalent grade of B in the seven point scale. Therefore, he contended that the qualification of the second respondent in possessing the UG in Sociology or in a different subject does not matter, as admittedly he is possessing the qualification of M.A., degree in Sociology at the time of considering his application.

5.Heard both sides, perused the materials placed before this Court and also the order passed by the Writ Court.

6.The only objection raised by the writ petitioner against the appointment of the second respondent is that he was not having a requisite qualification. In other words, it is contended that the second respondent should possess UG, PG and M.Phil., degrees in Sociology subject and on the other hand, he possesses UG in Rural Development and PG in Sociology. Therefore, it is contended that the second respondent ought not to have been considered to the said post.

7.We are not able to appreciate the above contention of the <https://hccases.lawmy.in/hccases> is evident that what is required for considering the post of Assistant Professor in the department of Sociology is that one should possess M.A., degree in Sociology with 55% marks.



Admittedly, on the date of making the application, the second respondent has already possessed such qualification. Therefore, we find that the appointment of the second respondent to the post of Assistant Professor in the department of Sociology, is in order and thus does not require any interference. The Writ Court has rightly considered the said issue and dismissed the writ petition, with which we find no infirmity. Accordingly, this writ appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (Cs-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Registrar,
Madurai Kamaraj University,
Madurai.

2.The Chairman,
University Grants Commission,
New Delhi.

+1cc to Mr.C.Vakeeswaran, Advocate in SR.74327
+1cc to M/s.Isaac Chambers in SR.74379
+1cc to Mr.G.Prabhu Rajadurai, Advocate in SR.74433
+1cc to B.Vijay Karthikeyan, Advocate in SR.74265

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