

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.22058 OF 2013

AND

M.P. NO. 1 OF 2013

P.Narayanan

.. Petitioner

- Vs -

1. The Secretary to Government
Municipal Administration &
Water (M.E.1) Supply Dept.
Secretariat, Chennai 600 009.
2. The Secretary to Government
Personnel & Administrative Reforms Dept.
Secretariat, Chennai 600 009.
3. The Commissioner of Municipal
Administration, Chepauk
Chennai 600 005.
4. B.V.Surender Sha
5. Jahaghir Bash

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus forbearing the 1st respondent from appointing/promoting the respondents 4 & 5 and others who have undergone degree directly without undergoing regular 10+2+3 stream of study.

For Petitioner :Mr. M.Gnanasekar

For Respondents:Mr. A.N.Thambidurai,Spl.GP,for RR-1to 3
Mr. C.Vigneswaran for R-4

ORDER

The prayer sought for by the petitioner in the present petition is to forbear the respondents 1 to 3 from appointing/promoting the respondents 4 & 5 and others who have undergone degree directly without undergoing regular 10+2+3 stream of study.

2. The issue involved in the present writ petition is no

longer res integra and the issue stands settled in the decision of the Hon'ble Apex Court in the case of Annamalai University - Vs - Secretary to Govt., Information & Tourism Dept. & Ors. (2009 (4) SCC 590), wherein the Hon'ble Supreme Court has categorically held that the degree obtained by the candidate could be said to be valid only if it is obtained after completing the basic qualification of 10+2+3 and any degree in contravention of the above procedure would not be a degree in the eye of law and would be an invalid degree.

3. In such view of the matter, it is made clear that the respondents 1 to 3 shall strictly adhere to the decision of the Hon'ble Apex Court in Annamalai University's case (supra) in the matter of appointment and promotion of persons, in accordance with the rules. The respondents 1 to 3 are directed to revisit the appointment/promotion, if any, made after the orders passed by the Hon'ble Apex Court and any deviations thereof, shall stand corrected by the respondents in line with the orders passed by the Hon'ble Supreme Court in Annamalai University case.

4. With the above observation and direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government
Municipal Administration &
Water (M.E.1) Supply Dept.
Secretariat, Chennai 600 009.
2. The Secretary to Government
Personnel & Administrative Reforms Dept.
Secretariat, Chennai 600 009.
3. The Commissioner of Municipal
Administration, Chepauk, Chennai 600 005.
+2ccs to Mr.M.Gnanasekar, Advocate, Sr.No. 31348
+1 cc to The Government Pleader, Sr.No. 31511

W.P. NO. 22058 OF 2013

MR(CO)

RMP(14/10/2020)