

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.35599 of 2019
and
W.M.P.No.36484 of 2019

M.Sankar

... Petitioner

Vs.

- 1.The Managing Director,
Aavin Illam,
Tamil Nadu Co-operative Milk Producers
Federation Limited (TCMPF)
No.3A, Pasumpon Muthuramalingar Salai,
Nandanam,
Chennai - 600 035.
- 2.The General Manager,
Erode District Co-operative Milk Producers Union Limited,
Sri Vasavi College Post,
Erode - 638 316.
- 3.The Registrar,
Anna University,
Chennai - 600 025.
- 4.The Controller of Examination,
Anna University,
Chennai - 600 025.
- 5.The Principal,
Paavai Engineering College,
Pachal Post,
Namakkal,
Namakkal District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the second respondent to treat the MBA degree obtained by the petitioner in the year 2009 from the third respondent university vide Registration No.078001612042 in respect of specialization in Human Resource and Finance.

For Petitioner : Mr. T. Sivagnanasambandan

For Respondents: Mr. L.P. Shanmugasundaram, for R1 to R4
Special Government Pleader

O R D E R

This writ petition has been filed for the issuance of writ of mandamus directing the second respondent to treat the MBA Degree obtained by the petitioner in the year 2009 from the third respondent University and consider the candidature of the petitioner for the post of Manager (Industrial Relations).

2. The case of the petitioner is that he applied for the post of Manager (IR) based on the advertisement issued by the second respondent on 06.07.2019. There is only one post which is vacant and the same falls under General Turn (Non-Priority). The petitioner was directed to attend certificate verification and he appeared before the Authorities on 29.11.2019. The petitioner submitted all the originals for the verification. At that point of time, the second respondent directed the petitioner to produce MBA certificate by mentioning his electives. The requirement according to the notification issued by the second respondent is that the candidate must possess an MBA degree with specialisation in Human Resource and Industrial Relations. The MBA certificate that was given to the petitioner by Anna University only shows that the petitioner has completed MBA (Management). According to the petitioner, the MBA undergone by the petitioner also specifically covers Human Resource and Industrial Relations.

3. The petitioner was however directed to get clarification and produce the certificate specifically mentioning specialisation. The petitioner has approached the third and fourth respondents to grant the certificate and till date the same has not been granted. Therefore, the present writ petition has been filed for direction to treat the MBA Degree obtained by the petitioner and to consider him for appointment.

4. Heard, Mr. T. Sivagnanasambandan, learned counsel for the petitioner and Mr. L.P. Shanmugasundaram, learned Special Government Pleader appearing for respondents 1 to 4.

5. The facts of the present case are squarely covered by the earlier order passed by this Court in W.P.No.34497 of 2019 dated 17.12.2019. For proper appreciation, the relevant portion in the order is extracted hereunder:-

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.

6. This Court, in the above order, has specifically found that the Co-operative Society cannot assume any specialisation and there must be a specific reference in the certificate that is issued by the concerned University. In this case, the petitioner is claiming to have specialisation in both Human Resource Management as well as Industrial Relations. However, there is no such indication in the certificate that has been issued by the third respondent/University. Therefore, the petitioner has to necessarily get clarification from the third respondent/University and submit the same before the second respondent in order to enable the second respondent to proceed further with the process of considering for selection to the post.

7. In view of the above discussion, there shall be a direction to the petitioner to make a representation to the third and fourth respondents seeking for a certificate to the effect that the petitioner has undergone specialisation in Human Resource Management and Industrial Relations. On receipt of the representation made by the petitioner, third and fourth respondents are directed to verify and issue appropriate certificate to the petitioner with regard to the specialisation which 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 representation from the petitioner. Immediately on receipt of the order/certificate from the third respondent, the petitioner shall submit the same before the second respondent on or before 21.02.2020. The second respondent shall, thereafter process the application submitted by the petitioner in accordance with Rules and take a decision.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AT

To

- 1.The Managing Director,
Aavin Illam,
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Federation Limited (TCMPF)
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- 3.The Registrar,
Anna University, Chennai - 600 025.
- 4.The Controller of Examination,
Anna University, Chennai - 600 025.

+1cc to Mr.T.Sivagnanasambandam, Advocate SR.No. 4636

W.P.No.35599 of 2019

and

W.M.P.No.36484 of 2019

A.SK(24/01/2020)

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