



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.02.2020**

WEB COPY

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD)No.2486 of 2020
and
W.M.P. (MD)No.2139 of 2020

G.Sasikumar

... Petitioner

/vs./

- 1.The Director of Collegiate Education,
9th Floor, EVR Sampath Buildings,
College Road, Chennai 600 006.
- 2.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
St.George Fort,
Chennai 600009.
- 3.The Member Secretary,
Tamil Nadu State Council for Higher Education (TNSCHE),
Chennai 600 005.
- 4.The Joint Director of Collegiate Education,
Department of Collegiate Education,
Thanjavur Region, Thanjavur.
- 5.Dr.T.Arivudainambi,
The Joint Director of Collegiate Education,
Department of Collegiate Education,
Thanjavur Region, Thanjavur.
- 6.The Principal,
Annai College of Arts & Science,
Kovilachery,
Kumbakonam.



7.The Principal,
ABI & ABI College of Arts Science Technology,
Vayalur, Thanjavur 613 003.

8.The Principal,
Marudhupandiayar College,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned rejection order of the 4th respondent dated 31.01.2020 and quash the same as devoid of merits consequently directing the respondent No.4 to countersign petitioner's experience certificates issued by the respondents No.6 to 8 by verifying the records, within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R-1 to R-4 : Mr.C.M.Marichellaiah Prabhu
Additional Government Pleader

For R-5 to R-8 : No appearance

ORDER

The petitioner is aggrieved against the 4th respondent's inaction in not counter-signing the experience certificate produced before him and therefore, has filed the present writ petition.

2. It is the case of the petitioner that the fourth respondent was not justified in refusing to counter-sign the experience certificate on the ground that the petitioner had not completed his MBA degree and therefore, was not entitled to teach Economics in the Colleges for which he sought for experience certificate and also the refusal would be outside the scope and authority of the fourth respondent. When the duty assigned to the fourth respondent was to verify as to whether the petitioner had taken classes in the subject of Economics during the relevant point of time at the relevant Colleges, the fourth respondent seems to have overstepped his authority and gone to the extent of presuming that the petitioner did not have required qualifications to take classes in three Colleges namely, Annai College, Kumbakonam, Marudhu Pandiyar College, Thanjavur, Abi Abi College, Thanjavur. The conduct of the fourth respondent has put the petitioner into the risk of his candidature being rejected for the want of experience certificate.



3. Above all, the fourth respondent herein, was not correct in making such a statement in the impugned order for rejecting to counter-sign the petitioner's experience certificate, since the learned counsel for the petitioner had produced a copy of the letter from the Bharathidasan University which evidences that the qualification possessed by the petitioner herein in B.A.(Economics), M.A.(Economics), M.Phil (Economics), P.hd. (Economics) is the required and approved qualification for the post of Assistant Professor in Economics. Merely because the petitioner was posted in the Department of Business Administration will not cast an illusory presumption on the fourth respondent herein to presume that the petitioner was not entitled to take classes and thereby come to the conclusion that the petitioner had not taken classes in the aforesaid three Colleges at the relevant point of time.

4. The petitioner herein had alleged certain malafides on the fourth respondent that since he had obtained orders before this Court and issued a contempt notice against the fourth respondent, the present impugned order, was passed as a counter-blast. When the alleged reasoning in the impugned order itself is unsustainable and illegal, the malafide attributed by the petitioner gains significance. However, I do not intend to go into the sanctity on the allegations of malafies.

5. The Post of a Joint Director is a responsible post and the ordinary duties of his office was to verify and counter-sign the experience certificate to a professor, on a plain and simple verification as to whether the petitioner had genuinely conducted classes in Economics with the required and approved qualifications, at the colleges at the relevant point of time. However, the petitioner had either misused his office or has purposefully refused to counter-sign the certificates, by citing untenable reasons as alleged by the petitioner. Whatever be the case, when a simple task was awaiting the fourth respondent to counter-sign the experience certificate based on verification as to whether the petitioner had indeed worked during the relevant point of time in the concerned Colleges by taking classes in Economics, venturing into the aspects as to whether the qualification of the petitioner would entitle him to take classes, was totally unwarranted. Since the fourth respondent herein had neglected to perform the ordinary duties of office, his conduct can be termed as 'dereliction of his official duties'.

6. Nevertheless, pending the writ petition, the fourth respondent herein was summoned to this Court to render his explanation, at which point of time, he offered to counter-sign the petitioner's experience certificate. Accordingly, the permission was also granted.



7. Today, when the matter was called, the learned counsel for the petitioner submitted that the fourth respondent herein had counter-signed the experience certificate of the petitioner and therefore, the grievance of the petitioner, as revealed in the writ petition, has been met. Hence, no further effective orders need to be passed in the present writ petition. Accordingly, this Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Director of Collegiate Education,
9th Floor, EVR Sampath Buildings,
College Road, Chennai 600 006.
- 2.The Secretary,
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- 3.The Member Secretary,
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- 4.The Joint Director of Collegiate Education,
Department of Collegiate Education,
Thanjavur Region, Thanjavur.

+1 CC to M/s.A.HAJAMOHIDEEN, Advocate (SR-7454[F]

+1 CC to M/s.Special Govt.Pleader (SR-7277[F]

Order made in
W.P.(MD)No.2486 of 2020
19.02.2020

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SDS (02.03.2020) 4P-7C