



WEB COPY

WP(MD)No.16464 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2020

CORAM

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

W.P. (MD)No.16464 of 2015

and W.M.P. (MD)No.13093 of 2018

and M.P. (MD)Nos.1 & 2 of 2015

C.Jemila Roshini

... Petitioner

Vs.

1.The Director of Collegiate Education,  
DPI Complex, College Road,  
Chennai.

2.The Joint Director of Collegiate Education,  
Tirunelveli.

3.The Bishop cum Chairman,  
C.S.I. Kanyakumari Diocese,  
College Governing Board,  
Nagercoil,  
Kanyakumari District.

4.The Secretary/Correspondent,  
Women Christian College,  
Nagercoil,  
Kanyakumari District.

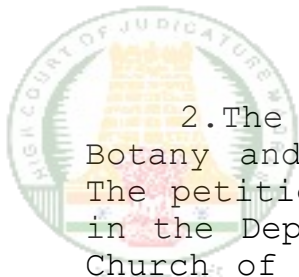
... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 06.08.2015 passed by the fourth respondent and quash the same and consequently directing the respondents 3 and 4 to absorb the petitioner as Assistant Professor in Botany in the fourth respondent college.

|                |                                                     |
|----------------|-----------------------------------------------------|
| For Petitioner | : Mrs.Chamundi Bose for<br>M/S.Kara Associates      |
| For R1 & R2    | : Mr.V.Anand,<br>Government Advocate.               |
| For R4         | : Mr.K.Ragatheesh Kumar,<br>for M/S.Isaac Chambers. |

### **ORDER**

The relief sought for in the present writ petition is to quash the order dated 06.08.2015 and states that the petitioner is not qualified as per UGC norms for appointment to the post of Assistant Professor in the Department of Botany.



2.The petitioner states that she poses Master Degree in M.Sc. Botany and secured 71.62% marks and thereafter, completed M.Phil. The petitioner was appointed to the post of Lecturer (Self Finance) in the Department of Botany on 04.09.2008 under the regulations of Church of South India, Kanyakumari Diocese. Subsequently, she was appointed as Guest Lecturer (Self Finance) Plant Biology in the fourth respondent Women's Christian College, Nagercoil as Assistant Professor, which is also functioning under the administrative control of the third respondent Diocese.

3.The grievance of the writ petitioner is that her appointment was duly ratified by the governing Board of the fourth respondent college, which is an educational agency, by passing a resolution dated 28.04.2011. However, the case of the writ petitioner was not considered for the regular appointment in the sanctioned post of Assistant Professor. The petitioner has rendered service for many long period and therefore, she must be appointed in the sanctioned post of Assistant Professor in the Department of Botany and the claim in this regard by the petitioner is rejected by the Secretary of the fourth respondent College in proceedings dated 06.08.2015.

4.The fact remains that the petitioner is yet to be qualified as per UGC norms for appointment to the post of Assistant Professor. This being the stand taken by the respondents, this Court is of the considered opinion that the petitioner has to approach the competent authority to establish that she is fully qualified to the post of Assistant Professor as per UGC norms. In the event of establishing that the petitioner is fully qualified as per UGC norms, the case of the petitioner may be considered by the Authorities in the manner known to law. However, the relief as such sought for in the present writ petition to absorb the petitioner as Assistant Professor in the Department of Botany cannot be granted by this Court and the process of appointment is to be undertaken only by the procedures contemplated and in accordance with statutory provisions and rules in force.

5.In this view of the matter, the petitioner has not established any acceptable ground for the purpose of consideration and accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSIII)

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/ /2020

Sub Assistant Registrar(CS)

gns

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To

1.The Director of Collegiate Education,  
DPI Complex, College Road,  
Chennai.

2.The Joint Director of Collegiate Education,  
Tirunelveli.

+1 CC to M/s.ISAAC CHAMBERS, Advocate ( SR-24080[F] dated 04/12/2020 )

+1 CC to M/s.SPL GP ( SR-24243[F] dated 07/12/2020 )

W.P. (MD) No.16464 of 2015  
03.12.2020

SS (CO)  
KB(11.12.2020) 3P 5C