

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5535 of 2000
and
W.M.P.No.17639 of 2006

A.P.Nashmudeen

...Petitioner

Vs

1. Muslim Arts College,
Thiruvithancode - 629174,
Kanyakumari District.

2. The Commissioner Collegiate
Education, Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records connected with the termination order dated 10.04.1997 passed by the first respondent and quash the same and further direct the first respondent to reinstate the petitioner with backwages and all attendant benefits.

For Petitioner : Mr.Aravind Rajagopal
for M/s.Arunachalam Asso.

For Respondents: Ms.P.Mahalakshmi for R1
Mr.Akhil Akbar Ali, GA for R2

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. Even though the petitioner herein did not possess the required qualification of M.L.I.S., Degree, he was appointed on 26.10.1988 on temporary basis by the first respondent to the post of Librarian.

3. It is the submission of the learned Government Advocate appearing for the second respondent that thereafter, the petitioner herein did not complete the Masters Degree and since the UGC norms require the possession of Masters Degree in M.L.I.S., the petitioner herein cannot be accommodated as a Librarian. The learned counsel further submitted that the petitioner herein, during his temporary engagement, has

indulged in cases of indiscipline and dereliction of duties and thereafter, his services were terminated.

4. The learned counsel for the petitioner though submitted that the reasons assigned in the termination order are not correct, no records have been produced to substantiate that the petitioner had completed his Masters Degree or that, his services were regularized. When the petitioner's service has not been regularized and does not possess the required Masters Degree for the post of Librarian, the question of reinstatement may not arise. Even otherwise, the first respondent cannot be found fault with to terminate the services of a temporary Librarian on the ground of indiscipline or dereliction of duties.

5. Hence, I do not find any merits in the present writ petition. Accordingly, the same stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

sbn/hvk

To

The Commissioner Collegiate
Education, Chennai.

+1cc to Ms.P.Mahalakshmi, Advocate SR.No.26281

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PP (CO)
GMY (07/07/2021)

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