

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.(MD) No.17278 of 2021

and W.M.P.(MD) Nos.14768, 14464, 14466 and 16342 of 2020

1.Manithanigai Kumar

2.Prof.M.K.Surappa

Vice-Chancellor,

Anna University, Chennai.

(P-2 is impleaded vide Court Order

dt.9.12.2020 in WMP(MD) No.14917

of 2020)

.. Petitioners

-vs-

1.The Joint Secretary,

Dept. of Higher Education,

Ministry of Education of Union of India,

Sastri Bhawan, Dr.Rajendra Prasad Road,

New Delhi.

2.The Chair Person,

All India Council for Technical Education

(AICTE), Nelson Mandela Marg,

Vasant Kunj, New Delhi 110 070.

3.The Chair Person,

University Grants Commission,

35 Feroz Shah Road,

New Delhi 110 002.

4. The Principal Secretary,

Higher Education Department of

Government of Tamilnadu,

Secretariat, Fort St. George, Chennai-9.

5. The Registrar,

The Anna University,

Guindy, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the

records pertaining to the impugned G.O. of the Department of Higher Education, Government of the State of Tamil Nadu bearing No.G.O. (Rt) No.138, Higher Education (11) Department, dated 11.11.2020 passed by the 4th respondent and quash the same.

For Petitioners : Mr.V.Ramakrishnan
for P-1
: Mr.N.Vijayaraghavan
for Mr.N.P.Vijaykumar
for P-2

For Respondents : Mr.Vijay Narayan
Advocate-General
Assisted by Mr.V.Jayaprakash
Narayanan, State G.P.
For R-4
: Mr.E.Manoharan
Spl.G.P. for R-5

ORDER
(Made by The Hon'ble Chief Justice)

A short issue of propriety has been raised by the State through learned Advocate-General.

2. The present petition was instituted as a public interest litigation by the original petitioner seeking to espouse the cause of the Vice-Chancellor of Anna University in a matter pertaining to the service of such Vice-Chancellor. The State insists that it is inconceivable that a third party can espouse the cause of any other pertaining to the service of such other.

3. A fervent plea is made by the second petitioner herein that the matter may be continued by the second petitioner, who is the concerned Vice-Chancellor. It appears that the added petitioner applied to be impleaded as a respondent in the proceedings, but such person has now been added as a joint petitioner along with original petitioner.

4. It is elementary that the cause that was sought to be espoused by the original writ petitioner was personal to the added petitioner. Since such cause pertained to the service of the added petitioner, the original writ petitioner could never have brought the action or maintained it. It goes to the root of the matter and the propriety of the Court to receive such an action. Accordingly, since the petition could not have been maintained by the original writ petitioner at the outset, the present proceedings are closed with liberty to the second petitioner, the concerned Vice-Chancellor, to assail the process initiated by the State in accordance with law. It is also made

clear that this order may not have any negative impact in the future proceedings that may be carried by the second petitioner herein to any appropriate forum.

W.P.(MD) No.17278 of 2020 is disposed without going into the merits thereof. There will be no order as to costs. As a consequence, the miscellaneous petitions, W.M.P.(MD) Nos.14768, 14464, 14466 and 16342 of 2020 are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

sra

To

- 1.The Joint Secretary,
Dept. of Higher Education,
Ministry of Education of Union of India,
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 - 2.The Chair Person,
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Higher Education Department of
Government of Tamilnadu,
Secretariat, Fort St. George, Chennai-9.
 - 5.The Registrar,
Anna University, Guindy, Chennai.
- +3 Ccs to Mr.Vijayakumar, Advocate sr 8757
+1 CC to The Government Pleader sr 8821

W.P. (MD) No.17278 of 2020

MG(CO)

SP(01/03/2021)