



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2021

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**THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.A. (MD)No.397 of 2018

S.Jayapal ... Appellant/Petitioner

Vs.

- 1.The Chairman,
University Grants Commission (UGC),
Bhadur Shah Zafar Marg.,
New Delhi - 110 002.
- 2.The Chairman,
All India Council for Technical Education,
7th Floor, Chanderlok Building,
Janpath,
New Delhi - 110 001.
- 3.The Registrar,
Gandhigram Rural Institute - Deemed University,
Gandhigram - 624 302. Dindigul District.
- 4.B.Senthil Kumar ... Respondents/Respondents
(R4 is impleaded vide Court Order
dated 29.04.2021 made in CMP(MD)
No.3910/2021 in W.A. (MD) No.397/2018
by TSSJ & SAIJ)

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P.(MD)No.5938 of 2011, dated 31.01.2018.

Prayer in WP(MD) . 5938/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification of the 3rd respondent in Advt.No.1/Estt.2/2010-11, dated 04.02.2011 and quash the same with regard to the post of Assistant Professor (OBC) for the Khadi and Handloom Technology and consequently direct the 3rd respondent to promote the petitioner to the post of Assistant Professor (OBC) for the Khadi and Handloom Technology in the 3rd respondent institution.



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For Appellant : Mr.S.Louis
For Respondent No.1 : No appearance
For Respondent No.2 : Mr.N.Dilip Kumar
Standing Counsel
For Respondent No.3 : Mr.P.Thangavel
Standing Counsel
For Respondent No.4 : Mr.M.Saravana Kumar

J U D G M E N T

(Judgment of the Court was delivered by T. S. SIVAGNANAM, J.)

This Writ Appeal is directed against the order in W.P.(MD) No.5938 of 2011, dated 31.01.2018.

2.The legal issue involved is whether the respondent University is entitled to fix the minimum educational qualification for the recruitment to the post of Assistant Professor and it is bound by the UGC regulation.

3.The learned Writ Court has rightly held that the University has right to fix higher qualification and the petitioner has no right to question the minimum educational qualification prescribed as per UGC norms.

4.The grievance of the appellant is that the recruitment is to the post of Assistant Professor and the candidate has to handle only diploma level post and therefore, PG level qualification is unnecessary. The learned Standing Counsel for the University submitted that it is factually incorrect and the previous post was abolished and the same was re-designated to handle decree level posts. For the reasons assigned above, the order of the learned Writ Court does not warrant interference.

5.Learned counsel for the appellant submitted that time bound promotion due to the appellant has not been extended till date. The appellant is directed to submit a representation to the respondent University seeking appropriate relief, which shall be considered by the respondent University in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



6.The Writ appeal stands disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

The Chairman,
University Grants Commission (UGC),
Bhadur Shah Zafar Marg.,
New Delhi - 110 002.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-21413[F] dated 06/07/2021)

+1 CC to M/s.MA.P.THANGAVEL, Advocate (SR-21423[F] dated 07/07/2021)

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-21419[F] dated 07/07/2021)

+1 CC to M/s.S.LOUIS, Advocate (SR-21424[F] dated 07/07/2021)

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LS (CO)

LR (03.08.2021) 3P 6C