



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the First day of April Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice M.M.SUNDRESH
and
The Hon'ble Mrs.Justice S.ANANTHI

WMP(MD) No.16095 of 2019
IN
WP(MD) No.19634 of 2019

K.ANNAMALAI

... PETITIONER/PETITIONER

Vs

1 THE SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF HUMAN RESOURCES DEVELOPMENT,
DEPARTMENT OF HIGHER EDUCATION,
NEW DELHI 110 001

2 UNIVERSITY GRANTS COMMISSION,
REP BY ITS CHAIRMAN,
BAHADUR SHAH ZAFAR MARG,
NEW DELHI 110 002

3 THE CHANCELLOR,
GANDHIGRAM RURAL INSTITUTE (DEEMED TO BE UNIVERSITY),
GANDHIGRAMAM, DINDIGUL DISTRICT.

4 THE VICE CHANCELLOR/CHAIRPERSON,
BOARD OF MANAGEMENT,
GANDHIGRAM RURAL INSTITUTE (DEEMED TO BE UNIVERSITY),
GANDHIGRAMAM, DINDIGUL DISTRICT.

5 THE SCRUTINY COMMITTEE,
GANDHIGRAM RURAL INSTITUTE (DEEMED TO BE UNIVERSITY),
GANDHIGRAMAM, DINDIGUL DISTRICT.

6 THE SELECTION COMMITTEE,
GANDHIGRAM RURAL INSTITUTE (DEEMED TO BE UNIVERSITY),
GANDHIGRAMAM, DINDIGUL DISTRICT.

7 PROF V.P.R.SIVAKUMAR,
REGISTRAR, GANDHIGRAM RURAL INSTITUTE
(DEEMED TO BE UNIVERSITY), GANDHIGRAMAM,
DINDIGUL DISTRICT.

... RESPONDENTS/RESPONDENTS



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of interim injunction restraining the 7th respondent acting as a Registrar of Gandhigram Rural Institute University, Gandhigram pending disposal of the above WP.

Prayer in WP(MD)No.19634/2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 7th respondent to show cause under what authority he continuous to hold the office of the Registrar of Gandhigram Rural Institute University, Gandhigram.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.SURIYA NARAYANAN, Advocate for the petitioner and of Mr.M.KARTHIKEYA VENKITACHALAPATHY, Advocate for 1st Respondent, Mr.J.ALAGURAM JOTHI, Advocate for 2nd Repondent and Mr.MA.PA.THANGAVEL, Advocate for Respondents 3 to 7, the Court made the following order:-

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has filed the Writ of Quo Warranto on the premise that the private respondent does not have the qualification. The Writ Petition has been filed nearly two years after the appointment of the private respondent.

2.A reliance has been made on the advertisement dated 25.06.2017, calling applications for the post of Registrar, Gandhigram Rural Institute, Deemed University, Gandhigram, Dindigul District.

3.On a perusal of the documents, we find that the private respondent has got all the qualifications having worked as a Dean in the Professor Cadre, Faculty of Medical and Health Sciences at SRM College of Physiotherapy, SRM University, Kattankulathur, Kancheepuram District, which is a deemed University under Section 3 of the UGC Act, 1956, apart from being eligible for 5% relaxation at Master's level, as he is already in the University System.

4.In view of the above and taking note of the fact that the private respondent has been working in the Gandhigram University from the year 2017 onwards and the Writ Petition has been filed only in the year 2019, we are inclined to dismiss the injunction application filed in W.M.P.(MD)No.16095 of 2019. Accordingly, W.M.P.(MD)No.16095 of 2019 in W.P.(MD)No.19634 of 2019 is dismissed.

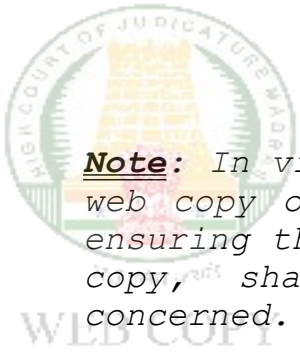
sd/-

01/04/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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

1 THE SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF HUMAN RESOURCES DEVELOPMENT,
DEPARTMENT OF HIGHER EDUCATION,
NEW DELHI 110 001

2 UNIVERSITY GRANTS COMMISSION,
REP BY ITS CHAIRMAN,
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+1 CC to M/s.S.SRIMATHY, Advocate (SR-2884[I] dated 01/04/2021)

ORDER
IN
WMP(MD) No.16095 of 2019
IN
WP(MD) No.19634 of 2019
Date :01/04/2021

SMN2
TE/SMA/SAR-III : 09/04/2021 : 3P/4C