



WEB COPY

W.P.(MD)Nos.7339, 7340 and 7354 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)Nos.7339, 7340 and 7354 of 2014

and

M.P. (MD)Nos.1 and 2 of 2014

and

W.M.P. (MD)Nos.8040 and 8042 of 2021

W.P. (MD)No.7339 of 2014:

R.S.Usha Rani

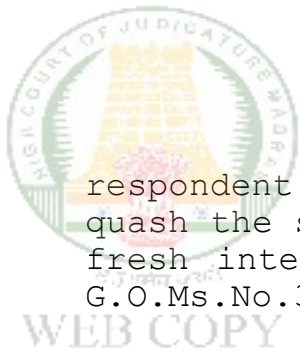
... Petitioner

vs.

- 1.University Grants Commission,
represented by its Secretary,
Bahadurshah Zafar Marg,
New Delhi - 2.
- 2.The Government of Tamil Nadu,
represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai.
- 3.The Director of Collegiate Education,
College Road, Nungampakkam,
Chennai - 600 006.
- 4.The Joint Director of Collegiate Education,
Madurai Region, Madurai.
- 5.Madurai Kamaraj University,
represented by its Registrar,
Palkalai Nagar,
Madurai.
- 6.Saiva Bhanu Kshatriya College,
represented by its Secretary,
Aruppukottai - 626 101.
- 7.R.Muthu Krishnaveni

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the passed by the fifth respondents in Ref.No.CDC-1/Lec./Apt./SBKC/2009, dated 23.04.2009 and the sixth



respondent in his proceeding No.1887/E3/2009, dated 01.04.2009, to quash the same and further to direct the sixth respondent to conduct fresh interview and to award marks as per the guidelines given in G.O.Ms.No.306, Higher Education (F2) Department, dated 10.09.2007.

For Petitioner : Mr.P.Pethu Rajesh
For R1 : No appearance
For R2 to R4 : Mr.J.K.Jayaselan
Government Advocate (Civil Side)
For R5 : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
For R6 : Mr.P.Thiagarajan
For R7 : Mr.M.Saravanan

W.P. (MD)No.7340 of 2014:

R.S.Usha Rani

... Petitioner

vs.

- 1.University Grants Commission,
represented by its Secretary,
Bahadurshah Zafar Marg,
New Delhi - 2.
- 2.The Government of Tamil Nadu,
represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai.
- 3.The Director of Collegiate Education,
College Road, Nungampakkam,
Chennai - 600 006.
- 4.The Joint Director of Collegiate Education,
Madurai Region, Madurai.
- 5.Madurai Kamaraj University,
represented by its Registrar,
Palkalai Nagar,Madurai.
- 6.Saiva Bhanu Kshatriya College,
represented by its Secretary,
Aruppukottai - 626 101.



7.C.Senthil Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the fifth respondent proceeding in Ref.MKU/CDC-1/Lec/Apt.EQA/SBKC/2008, dated 25.02.2008 and the sixth respondent proceeding No.1887/E3/2008, dated 04.02.2008, to quash the same and further to direct the sixth respondent to conduct fresh interview and to award marks as per the guidelines given in G.O.Ms.No.306, Higher Education (F2) Department, dated 10.09.2007, appoint the petitioner by fixing her seniority with all service and monetary benefits.

For Petitioner : Mr.P.Pethu Rajesh

For R1 : No appearance

For R2 to R4 : Mr.J.K.Jayaselan
Government Advocate (Civil Side)

For R5 : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For R6 : Mr.P.Thiagarajan

For R7 : Mr.P.Vinoth

W.P. (MD) No.7354 of 2014:

R.S.Usha Rani

... Petitioner

vs.

1.The Government of Tamil Nadu,
represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai.

2.The Director of Collegiate Education,
College Road, Nungampakkam,
Chennai - 600 006.

3.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

4.Saiva Bhanu Kshatriya College,
represented by its Secretary,
Aruppukottai - 626 101.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the fourth respondent in his proceeding No.RSU/2010, dated 07.09.2010, to quash the same and consequently to direct the fourth respondent to appoint the petitioner in the post of Lecturer in Commerce by fixing appropriate seniority with all service and monetary benefits.

For Petitioner : Mr.P.Pethu Rajesh

For R1 to R3 : Mr.J.K.Jayaselan
Government Advocate (Civil Side)

For R4 : Mr.P.Thiagarajan

COMMON ORDER

The petitioner has filed three Writ Petitions. The W.P.(MD) No.7339 of 2014 is challenging the appointment order dated 23.04.2009 granted to one R. Muthu Krishnaveni and the approval of appointment dated 01.04.2009 granted to the said R. Muthu Krishnaveni. The W.P.(MD)No.7340 of 2014 is filed challenging the appointment order dated 04.02.2008 of C. Senthil Kumar and the approval of the appointment dated 25.02.2008 to the said C. Senthil Kumar. The W.P.(MD)No.7340 of 2014 is filed challenging the termination order dated 07.09.2010 and consequently to direct the 4th respondent to appoint the petitioner in the post of the Lecturer in Commerce by fixing appropriate seniority with all service and monetary benefits.

2. The petitioner is qualified M.Com., M.Phil., PGDCA., and was appointed in the sixth respondent College as Lecturer on 05.07.2001. On 07.09.2010, she was terminated from service. The sixth respondent College conducted interview on 07.01.2008. The allegation by the petitioner is that the sixth respondent has not conducted the interview for recruitment in a transparent way. The petitioner relied on the "scoring sheets" marked during interview, which was filed by the College. Admittedly, there are some over writings, while awarding marks. Especially, for the rival candidate, namely, Mr. C. Senthil Kumar. One Mr. Muthu Selvan, member of the said College has granted 34 marks to the said Mr. Senthil Kumar, for the additional qualification knowledge in subject and co-curriculum, where there are over writings.



3.This Court sitting under Article 226 of the Constitution of India, cannot go into the facts in detail. *Prima facie* the petitioner has convinced this Court that the issue needs a proper enquiry. Therefore, this Court directs the fifth respondent, Madurai Kamaraj University to call for records from all other parties and thereafter, submit their opinion to the Joint Director of the Collegiate Education, i.e., fourth respondent. Thereafter, the fourth respondent shall conduct a detailed enquiry and thereafter, pass an order. If the selection process has not been conducted in a transparent way, then, the Joint Director shall take a call on it and pass appropriate orders, if need be may cancel the selection process.

4.Accordingly, the Writ Petitions W.P.(MD)No.7340 of 2014 and W.P.(MD)No.7339 of 2014 are disposed of with the above direction. No costs.

5.The Writ Petition W.P.(MD)No.7354 of 2014 is filed by the petitioner challenging the termination order, dated 07.09.2010, passed by the fourth respondent.

6.When the Writ Petition was taken up for hearing, the learned Counsel appearing for the respondent College submitted that the petitioner has submitted an appeal before the appellate authority, i.e., the Joint Director of Collegiate Education. It is also submitted by the learned Counsels appearing for the petitioner as well as the respondents that orders are not passed in the appeal. Therefore, this Court without going into the merits of this case, directs the third respondent to consider the appeal in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order. If the third respondent has passed any order, the same order shall be served to the petitioner.

7.With the above directions, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)

Tmg



- To
- 1.The Secretary,
University Grants Commission,
Bahadurshah Zafar Marg,
New Delhi - 2.
 - 2.The Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Fort St.George, Chennai.
 - 3.The Director of Collegiate Education,
College Road, Nungampakkam,
Chennai - 600 006.
 - 4.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

+1 CC to M/s.P.PETHU RAJESH, Advocate(SR-39767[F] dated 21/12/2021)

+1 CC to M/s.P.PETHU RAJESH, Advocate(SR-39768[F] dated 21/12/2021)

+1 CC to M/s.P.PETHU RAJESH, Advocate SR-39769[F] dated 21/12/2021)

+1 CC to M/s.P.THIYAGARAJAN, Advocate(SR-39886[F] dated 21/12/2021)

+1 CC to M/s.P.THIYAGARAJAN, Advocate(SR-39887[F] dated 21/12/2021)

+1 CC to M/s.P.THIYAGARAJAN, Advocate(SR-39888[F] dated 21/12/2021)

+1 CC to M/s.R. SUBRAMANIAN, Advocate(SR-39746[F] dated 21/12/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate(SR-39806[F] dated 21/12/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate(SR-39807[F] dated 21/12/2021)

+1 CC to M/s.N. VIJAYARAJAN, Advocate(SR-39748[F] dated 21/12/2021)

+1CC to SPL.GP(SR.No.39947)

W.P.(MD)Nos.7339, 7340
and 7354 of 2014
20.12.2021

MGJ(12.01.2022) 6P 16C