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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.03.2022

Coram :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

CMP.No. 2957 of 2020
in
W.A. SR.No.15257 of 2020

Dr.K.Ayyappan

... Petitioner

Vs.

1. Dr.B.Jayalakshmi

2. The Secretary,
Higher Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

3. The Registrar,
University of Madras,
Chepauk, Chennai - 600 005.

4. The Director,
Directorate of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai - 600 006.

5. The Secretary & Correspondent,
QUEST,
82, Sterling Road, Seetha Nagar,
Nungambakam, Chennai - 600 0034.

6. The Principal,
The Quaide Milleth College for Men,
Tambaram - Velacherry Main Road,
Medavakkam, Chennai - 600 100.

... Respondents

Prayer: This Civil Miscellaneous Petition filed under Section 151 of CPC praying to grant leave to the petitioner to file the writ appeal against the order dated 06.11.2019 in W.P.No.16905 of 2019.



Prayer in W.P.No.16905 of 2019:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to accept the qualification of the petitioners in the light of the Equivalence Certificate issued by both Annamalai University in Ref.B1-6/2016 dated 22.03.2016 as to the post graduate qualification and the relevancy certificate as to the Ph.D., issued by Manonmaniam Sundaranar University in Ref.No.MSU/RES/Ph.D/R5/5789 dated 03.05.2016 as to the Ph.D., qualification and also in terms of the orders issued in G.O. (Ms) No.27 Higher Education (K2) Department dated 13.02.2014 and to issue orders of deemed declaration of probation of the service of the Petitioner in the post of Assistant Professor in the light of Regulation 11.2 of UGC Regulations of Minimum qualifications for appointment of Teachers and other Academic staff in Universities and Colleges and Measures for the Maintenance of standards in Higher Education 2010 (Regulation No.F.3-1/2009 dated 30th June, 2010 by issuing Writ of Mandamus and to pass any other appropriate Writ, Order or Direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner : Mr.P.Premkumar
For Respondent 1: Mr.R.Singaravelan
Senior Counsel
for Mr.V.S.Jagadeesan

For Respondents : Mr.M.Bindran
2 & 4 Additional Government Pleader
(Education)

For Respondent 3 : Mr.A.S.Vijaya Raghavan

For Respondents : Mr.N.A.Nissar Ahamed
5 & 6

ORDER

S.VAIDYANATHAN, J.
&
MOHAMMED SHAFFIQ, J.

This Civil Miscellaneous Petition has been filed to grant leave to the petitioner, who is a third party, to file a writ appeal against the order dated 06.11.2019 in W.P.No.16905 of 2019 wherein a direction was given to accommodate the writ petitioner in The Quaide Milleth College for Men Tambaram - Velacherry Main Road, Medavakkam, Chennai 600 100 pursuant to the advertisement dated 10.01.2016 in the Times of India.



2. According to the petitioner, he was qualified to be selected and appointed to the post of Assistant Professor and he was called for an interview and he was informed by the fifth respondent that he will get intimation regarding appointment. Subsequently, the petitioner came to know that one Dr. Akila Devi and the first respondent herein were appointed as Assistant Professors. According to the petitioner, the first respondent is not qualified to be appointed as Assistant Professor as she has not obtained NET/SLET certificate and claimed exemption on the ground that she has obtained Ph.D. in Commerce. Thereafter, the first respondent filed W.P.No.16905 of 2019 seeking a direction to the respondents therein to accept the qualification in the light of the equivalence certificate issued by Annamalai University as to the post graduate qualification and the relevancy certificate as to the Ph.D. issued by Manonmaniam Sundaranar University and for other reliefs. Learned single Judge allowed the writ petition and aggrieved by the same, the petitioner has come forward with this petition.

3. Mr. Singaravelan, learned Senior Counsel appearing for the first respondent/writ petitioner would submit that the petitioner herein has no locus standi to prefer an appeal, as the decision has been taken in the syndicate meeting to accommodate the writ petitioner as the Assistant Professor, pursuant to the advertisement dated 10.01.2016 in the Times of India and a resolution passed to that effect. He would further submit that the writ petitioner/1st respondent has obtained Ph.D. in Commerce in April 2014, and the certificate was issued on 29.10.2014 whereas the petitioner herein was qualified only in the year 2018 and he was not at all in the zone of consideration for the purpose of considering the case, as the selection has taken place pursuant to the advertisement in 2016.

4. We are of the view that the petitioner herein has no locus standi to seek leave to challenge the order by means of an appeal. While dictating the order, the learned counsel for the petitioner herein sought permission to challenge the appointment order issued to the writ petitioner. We are not preventing the petitioner from questioning the order so also the University in challenging the order of the learned single Judge to prefer an appeal, as, according to the University the writ petitioner is not having the requisite qualification and she did not cover the prescribed subjects, thereby, her equivalence certificate was rejected. The Quaide Milleth College for Men Tambaram - Velacherry Main Road, Medavakkam, Chennai 600 100 on its own opinion has appointed the writ petitioner. This averment cannot be gone into in the present petition seeking leave of this Court to file an appeal and it is open to the parties to put forth their submissions both factually and legally, in case the order of this Court passed by the learned Single Judge is tested or a writ petition is filed by the present petitioner challenging the order by means of a separate petition.



5. For all the reasons stated above, we are not inclined to grant leave. Thus, the Civil Miscellaneous Petition is dismissed. Consequently, the connected Writ Appeal in SR stage stands rejected. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dpq
To:

1. The Secretary,
Higher Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Registrar,
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Chepauk, Chennai - 600 005.

3. The Director,
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Medavakkam, Chennai - 600 100.

+1 cc to Mr.A.S.Vijayaraghavan, Advocate Sr.NO. 16554

CMP.No.2957 of 2020
in

W.A. SR.No.15257 of 2020

AK(CO)
A.SK(06/05/2022)