



W.P.No.40780 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.40780 of 2016

and

W.M.P.No.34757 of 2016

P.T.Shameem

... Petitioner

-Vs-

1. State of Tamil Nadu

Rep by its Secretary to Government
Higher Education Department
Secretariat, Chennai-600 009

2. The Annamalai University

Rep. by its Registrar,
Annamalai Nagar-608 002
Chidambaram, Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, Calling for the records order of the 2nd respondent in Office Memorandum No. C1-9/ 004/2016 dated 29.10.2016 (received by the petitioner on 07.11.2016) and quash the same and consequently direct the respondents to allow the petitioners to continue as Special Officers Grade I.



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For Petitioner : Mr.G.Suresh for
M/s.Row and Reddy

For Respondents :
For R1 : Mr.A.Anandam
Government Advocate
For R2 : Mr.V.R.Ramalanatham

ORDER

The show cause notice issued by the Annamalai University in a proceeding dated 29.10.2016, asking the petitioner to submit his explanation within a period of 15 days from the date of receipt of the show cause notice, is under challenge in the present writ petition.

2. The petitioner was selected and appointed as a Special Officer in Annamalai University Study Centre, Naikanal, Trissur Kerala. When the petitioner was serving in Annamalai University, the Annamalai University was taken over by the Government of Tamil Nadu and the competent authority verified the correctness of the appointments made by the erstwhile Management of the Annamalai University. The Government found that a large number of illegal and irregular appointments were made by the Management and accordingly actions were initiated in accordance with the rules in force.



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3. As far as the writ petitioner is concerned, the authorities found that the petitioner acquired M.A. III class and M.Ed. Degree, which is not considered as a post-graduate degree, and accordingly the petitioner did not possess the minimum educational qualification prescribed under the rules for appointment to the post of a Special Officer. Since the authorities found that the petitioner did not possess the requisite qualification for appointment to the post of Special Officer, they issued a show cause notice, seeking an explanation from the writ petitioner. Instead of availing the opportunity, the petitioner had chosen to file the present writ petition.

4. No writ against a show cause notice is entertainable in a routine manner. A writ against a show cause notice is entertainable only if it is issued by an incompetent authority having no jurisdiction or if it is tainted with the allegation of mala fides. In all other circumstances, the person who receives the show cause notice, is bound to submit his explanation to establish his case or to defend his case.

5. In the present case, the authorities, on verification of the service records, found that the petitioner did not possess the requisite



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qualification for appointment to the post of Special Officer and consequently issued the impugned show cause notice.

6. This being the factum, the petitioner has to submit his explanation if any, failing which the respondents are bound to pass final orders on merits and in accordance with the law.

7. With these observations, the writ petition stands **dismissed**. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.11.2022

Index : Yes
Speaking order
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To

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S.M.SUBRAMANIAM.J.,

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