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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.NO.18382 OF 2021
AND WMP.NO.22366 OF 2021

Dr.M.Mathivanan

..

Petitioner

vs.

1. The Regional Joint Director,
Department of Collegiate Education,
Raja Sarfoji Govt. College (Autonomous),
Thanjavur.
2. The Director of Collegiate Education,
EVK Sampath Building,
College Road, Nungambakkam,
Chennai-600 006.
3. The Registrar,
Bharathidasan University,
Tiruchirapalli.
4. Dr.R.Nagarajan

.. Respondents

(R4 impleaded as per the order dated
20.09.2021 in WMP.No.20312/2021
in WP.18382/2021)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 16.07.2021 and approve the petitioner's nomination as Principal in-charge of AVC College (Autonomous).

For Petitioner

: Mr.S.Ranjith Kumar



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For Respondents : Mr.V.Veluchamy,
Additional Government Pleader
for R1 and R2

Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates for R4

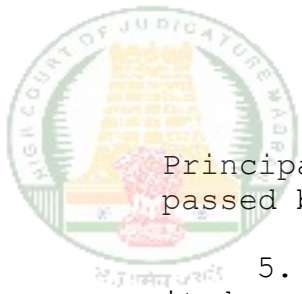
O R D E R

The prayer in this Writ Petition is for a Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 16.07.2021 and approve the petitioner's nomination as Principal in-charge of AVC College (Autonomous).

2. It is case of the petitioner that he is the senior-most person eligible for nomination to the post of Principal In-Charge of AVC College (Autonomous) and the fourth respondent herein, one R.Nagarajan, who was appointed as Principal of the said College in the year 11.07.2016. as per the UGC Regulations and Norms and as per the said Regulations, after completion of 5 years period, his term of appointment as College Principal has expired and therefore, the next senior-most person to be considered for promotion to the post of Principal is the petitioner herein. The management of AVC College has also sent a letter dated 08.03.2021 to the fourth respondent to handover the charge to the petitioner. The petitioner also made a representation to the first respondent to approve the nomination, but there is no response and therefore, he has filed the present writ petition.

3. The writ petitioner has impleaded the said R.Nagarajan as the fourth respondent in the writ petition. According to the learned counsel for the petitioner, the Management of AVC College has been administered by the Administrator, appointed by this Court on 21.10.2021 and the Administrator is in-charge of the management of AVC college and in view of the same, the Administrator has to consider the petitioner's representation in the light of UGC Regulations and Norms.

4. The learned counsel for the fourth respondent would submit that the writ petitioner has not impleaded the Management of the College in the present writ petition and he has admitted that the Administrator was appointed by this Court on 21.10.2021 and he has taken charge of the management of the college and due to the dispute in respect of the Management of the College, the Joint Registrar has taken charge and he has requested the fourth respondent to continue as Principal and now the Administrator is in full charge of the functioning of the College and he is the competent authority to grant approval for nomination as



Principal In-charge or to take decision, subject to the orders passed by this Court.

5. In the counter affidavit filed by the second respondent, it has been stated that the term of appointment of the College Principal shall be five years with eligibility for reappointment for one more term only after a similar selection committee process and further, all other selection procedures are given very clearly under para 6.0, 6.01, VIII (A) and (B).

6. The learned counsel for the petitioner stated that in view of the appointment of the Administrator, the writ petitioner may be permitted to make a representation to the Administrator projecting his claim. The learned counsel for the fourth respondent has also not disputed the said fact. The petitioner has neither impleaded the College Management nor the Administrator as party in the writ petition.

7. In view of the above, this Court grants liberty to the petitioner to approach the Administrator appointed by this Court and seek his remedy as requested in his representation dated 16.07.2021 for approval of the petitioner's nomination as Principal In-charge of AVC College (Autonomous). It is made clear that this Court has not expressed anything on the merits of the case.

8. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Regional Joint Director,
Department of Collegiate Education,
Raja Sarfoji Govt. College (Autonomous),
Thanjavur.



2. The Director of Collegiate Education,
EVK Sampath Building,
College Road, Nungambakkam,
Chennai-600 006.

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3. The Registrar,
Bharathidasan University,
Tiruchirapalli.

+1cc to Mr.K.M.Vijayan, Advocate, S.R.No.9786

+1cc to Mr.S.Ranjith Kumar, Advocate, S.R.No.9756

+1cc to the Government Pleader, S.R.No.9890

W.P.No.18382 of 2021

PMK(CO)
PM/01/03/2022