



W.P.No.6969 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6969 of 2016

and

W.M.P.No.6186 of 2016

A.Venkatesh

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Higher Education Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relevant to the University Order No.928/(C1)/2015 dated 28.11.2015 passed by the 2nd respondent and quash the same in respect of the petitioner as improper, illegal, unreasonable, against the natural justice and thereby direct the respondents to allow the petitioner to continue as Special Officer with all the consequential benefits.



W.P.No.6969 of 2016

For Petitioner : Mr.S.Sugumar
For Mr.B.Sundarapandiyan

For R1 : Mr.C.Jayaprakash
Government Advocate

For R2 : Mr.V.R.Kamalanathan

ORDER

The order passed by the Annamalai University in proceedings dated 28.11.2015, re-designating the petitioner as Special Officer Grade-II is under challenge in the present writ petition.

2. The petitioner states that he studied B.E. Degree in Electrical and Electronics in Annamalai University and registered his name in the Employment Exchange. The Annamalai University called applications from the eligible candidates for selection to the post of Special Officer. The petitioner submitted his application along with the qualification of B.E. Degree. The petitioner was selected and appointed as Special Officer in the Directorate of Distance Education, Study Centre, Annamalai Nagar in proceedings dated 24.10.2011. The petitioner joined in the services and continued. The Government took over the Annamalai University and thereafter, verified the correctness of the appointments made by the



W.P.No.6969 of 2016

erstwhile Management of Annamalai University. The Government found that

many appointments were made in violation of the Act and Rules in force.

Unqualified persons were appointed in the erstwhile Management of Annamalai University and as a corrective measure, the Government has initiated all appropriate actions.

3. In the present case, the competent authorities of the Government found that the petitioner did not possess the requisite qualification of P.G.Degree for appointment to the post of Special Officer. Thus, the petitioner was not qualified for appointment to the post of Special Officer during the relevant point of time and consequently, the impugned order was passed in proceedings dated 28.11.2015, posting the writ petitioner by way of re-designation as Special Officer Grade-II in the Pay Band of Rs.9,300 – 34,800 +Grade Pay Rs.5,100/-. Along with the petitioners, many other unqualified persons were re-designated. All those unqualified persons appointed by the erstwhile Management of Annamalai University were not terminated, but they were accommodated suitably in the other posts, for which, they are qualified.



W.P.No.6969 of 2016

4. Thus, this Court do not find any infirmity in respect of the order passed. In the present case, the post of Special Officer was re-designated as Special Officer Grade-II and accordingly, the petitioner was posted. Re-designation was done based on the administrative decision taken and in order to accommodate these unqualified persons, who were appointed in violation of the rules by the erstwhile Management of the Annamalai University.

5. In view of the fact that the petitioner was only re-designated as Special Officer Grade-II and posted as such, this Court do not find any perversity or otherwise. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs.

13.10.2022

Index : Yes
Speaking order: Yes
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4/6



W.P.No.6969 of 2016

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W.P.No.6969 of 2016

S.M.SUBRAMANIAM, J.

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W.P.No.6969 of 2016

13.10.2022