



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2022

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.3721 of 2014
and
M.P.No.1 of 2014

G.Vinothini

... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Education Department,
Fort St. George,
Chennai - 9.

2.Director of Collegiate Education,
College Road,
Nungambakkam, Chennai - 600 034.

3.The Secretary,
Kandasami Kandar's College,
Velur, Namakkal District.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, declaring the petitioner to be eligible for the post of Assistant Professor Botany on the basis of the petitioners Ph.D (Botany) Degree awarded by the CMJ University, Shillong, Meghalaya, which is valid and duly recognized by the University Grants Commission and consequently direct the 3rd respondent to consider the petitioner eligible for appointment to the post of Assistant Professor in Botany in the 3rd respondent college and direct the 3rd respondent to permit the petitioner to attend the interview on 11.02.2014 at the 3rd respondent college and appoint her to the post of Assistant Professor in Botany in the 3rd respondent college.

For Petitioner : Mr.A.Bobblie
for M/s.K.Sridhar Associates.

For Respondents: Mr.L.S.M.Hasan Fizal
(for R1 & R2)
Additional Government Pleader.
No appearance (for R3)



O R D E R

The Writ of Declaration has been instituted to declare that the petitioner is eligible for appointment to the post of Assistant Professor (Botany) on the basis of the petitioner's Ph.D., degree in Botany awarded by CMJ University, Shillong, Meghalaya.

2. The relief of declaration sought for in the writ petition is absolutely misconceived. High Court cannot grant any such declaration regarding the eligibility of the writ petitioner with reference to the degree including the Ph.D., acquired by him. The validity of the degree is to be verified by the competent authority and the genuineness also to be declared by the University concerned in which the candidate undergone the course. Therefore, High Court cannot conduct a roving enquiry in respect of the validity of the degree, so also, the eligibility of the writ petitioner for appointment to the post of Assistant Professor.

3. All the degrees granted by the Universities must be an approved degree by the University Grants Commission. In other words, a degree acquired by a candidate must be a degree approved by the University Grants Commission in its regulations. This apart, the petitioner states that he acquired Ph.D., degree in Botany from CMJ University, Shillong, Meghalaya. It is to be verified whether the said University has been recognised by the University Grants Commission or not. All such verifications are to be done by the competent authority only at the time of submitting application or during the process of selection. However the declaration as such sought for cannot be granted and the petitioner has to establish the validity of the degree before the competent authorities with reference to the University Grants Commission Act, its regulations and other connected rules in force.

4. With these clarifications, the Writ Petition stands disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
State of Tamil Nadu,
Education Department,
Fort St. George,
Chennai - 9.

2.Director of Collegiate Education,
College Road,
Nungambakkam, Chennai - 600 034.

+1cc to the Government Pleader, S.R.No.34161

WP No.3721 of 2014

NK(CO)
SB(17/06/2022)