

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 09.11.2022**CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.5728 of 2022 and**
W.M.P.(MD)Nos.4574 to 4576 of 2022

A.Velanganni Joseph,
Professor and Head of the Department of
Youth Welfare Studies,
School of Youth Empowerment,
Madurai Kamaraj University,
Madurai – 625 021.

... Petitioner

Vs.

1. The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai – 600 009.
2. Dr.S.Vasudevan,
Member Convener Committee / Senior Principal Scientist,
CSIR – CECRI, S-3, CECRI Quarters,
Karaikudi – 630 003,
Sivagangai District.
3. A.Meshach Ponraj,
Member Convener Committee / Associate Professor,
Department of Computer Science,
School of Information Technology,
Madurai Kamaraj University,
Madurai 625 021.
4. The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai – 625 021.



5. Dr.V.Ramarajanpandian,
Professor & Head of Department of Modern Literature,
School of Tamil Studies,
Madurai Kamaraj University,
Madurai – 625 021.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Ref: SO (P&D) CP15 / 2021 dated 12.07.2021 of the fourth respondent herein and quash the same and consequently direct respondents 1 to 4 to nominate the petitioner herein as Chairperson of School of Youth Empowerment, Madurai Kamaraj University.

For Petitioner : Shri.S.Ilanvaludhi,
for Mr.T.Pon Ramkumar.

For R-1 : Mr.J.Ashok,
Additional Government Pleader.

For R-4 : Mr.K.Ragatheeshkumar,
for M/s.Isaac Chambers.

For R-5 : Mr.Raja Karthikeyan

* * *

ORDER

Heard the learned counsel on either side.



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2. The only issue that calls for consideration is whether the Vice Chancellor of Madurai Kamaraj University was justified in designating the fifth respondent as the Chairperson in-charge of the School of Youth Empowerment.

3. It is true that the fifth respondent was designated way back in the year 2018. His tenure has been periodically extended. In the impugned proceedings dated 12.07.2021, it is mentioned that the fifth respondent will continue to hold additional charge till the outcome of W.P.(MD)No.1337 of 2021. The said writ petition has since been disposed of. But then, the Syndicate has passed a resolution on 23.02.2022 extending the tenure of the fifth respondent till 30.06.2023.

4. I do not want to adopt a technical approach. Even if the petitioner has not questioned the initial order designating the fifth respondent in the year 2018, that will not debar the petitioner from mounting a challenge in this writ petition.



5. The learned counsel appearing for the writ petitioner has drawn my attention to Chapter VII of the statutes of the University. Clause 2 of the said Chapter catalogues as many as 22 schools comprising various departments of study, research and teaching in various branches. Note 1 appended to the said Clause 2 reads as follows:-

“ Note : 1. A Professor who will be in-charge of any one of the departments coming under the Schools concerned, shall be designated by the Vice-Chancellor as the Chairperson for the School for a period of two years and the post of the Chairperson shall be held by rotation among the professors of the departments within that School. ”

6. A bare reading of the aforesaid note indicates that only a person who is in-charge of one of the Heads of Departments coming under the concerned school can be designated as the Chairperson of that school. There is no dispute that the School of Youth Empowerment is distinct from the School of Tamil Studies. The fifth respondent is a



Professor of Modern Literature in School of Tamil Studies and he is also a Chairperson of the School of Tamil Studies. He has been designated to hold additional charge of School of Youth Empowerment. As per the aforesaid note, a person who is the Head of the Department in that school alone can be a Chairperson. I fail to understand as to how the Head of the Department from the School of Tamil Studies could be designated as the Chairperson of the School of Youth Empowerment.

7. Of course, the learned Standing counsel appearing for the University would endeavour to justify the designation of the fifth respondent on various grounds. In any event, so long as the aforesaid note appended to Chapter VII is unamended, it is not open to the Vice Chancellor to designate a person working in the School of Tamil Studies as Chairperson of the School of Youth Empowerment. Such a designation is patently without jurisdiction. This writ petition stands allowed. The Vice Chancellor is directed to designate the writ petitioner as a Chairperson of the School of Youth Empowerment. No costs. Consequently, connected



6

W.P.(MD)NO.5728 OF 2022

miscellaneous petitions are closed.

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09.11.2022

Index : Yes / No

Internet : Yes/ No

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To:

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7

W.P.(MD)NO.5728 OF 2022

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.5728 of 2022

09.11.2022