



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.8421 of 2022

P.Selvakumar

... Petitioner

Vs.

1.The Union of India,
Rep. by Secretary,
Ministry of Human Resource Department,
Department of Higher Education,
Shasthri Bhawan, New Delhi.

2.The Director of Distance Education,
Janardan Rai Nagar Rajasthan Vidyapeeth University,
Airport Road,
Pratap Nagar,
Udaipur, Rajasthan - 313 001.

3.The President,
Civil Engineer's Association Thanjavur (CEAAT),
(Regd. No.57/2009 - Re-Regd.No.47/2020),
No.3, Amman Nagar,
Medical College Vallam Road,
Thanjavur - 613 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to recognize the diploma based upon the notification issued by the first respondent dated 10.06.2015 and accept the petitioner's membership in third respondent.

For Petitioner : Mr.N.Mohideen Basha

for Mr.A.Mohamed Hashim

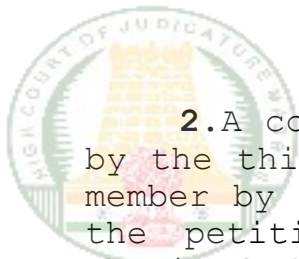
For Respondent No.1 : Mr.V.Malaiyendran

Central Government Standing Counsel

For Respondent No.3 : Mr.A.Srinivasan

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to recognise the diploma of the petitioner based upon the notification issued by the first respondent dated 10.06.2015 and accept the petitioner's membership in the third respondent Association.



2.A communication has been sent to the petitioner on 13.02.2022 by the third respondent Association informing the petitioner that a member by name S.Rajesh has raised a question about the validity of the petitioner's Diploma in Civil Engineering [Lateral Entry] obtained from Janardan Rai Nagar Rajasthan Vidyapeeth University, deemed to be a University in the year 2008-2011. Under the aforementioned communication, if no proper clarification is given, the third respondent has informed the petitioner that they will have to act against the petitioner as per the by-laws of the Association. According to the petitioner, the Diploma obtained by him is a valid Diploma and is a recognized Diploma.

3.Heard Mr.N.Mohideen Basha for Mr.A.Mohamed Hashim learned Counsel appearing for the petitioner, Mr.V.Malaiyendran, learned Central Government Standing Counsel who accepts notice on behalf of the first respondent and Mr.A.Srinivasan, learned Counsel who accepts notice on behalf of the third respondent.

4.According to the petitioner, the Punjab and Haryana High Court by its order dated 31.08.2018 in C.W.P.No.7732/2017 has recognized the Diploma issued by the very same University namely, the second respondent. Learned Counsel for the petitioner would now submit that the petitioner is willing to submit a fresh representation to the first respondent seeking for recognition of his Diploma and would further submit that till final orders are passed by the first respondent, his position as the Secretary of the third respondent Association should be protected.

5.Learned Counsel for the third respondent Association has not raised any serious objection for the request made by the learned Counsel for the petitioner.

6.No prejudice would be caused to the respondents or a person who has given the complaint, if such a direction is issued by this Court.

7.It is also represented by the learned Counsel for the third respondent Association that the petitioner has been properly elected as a Secretary. The said statement is also recorded.

8.For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the first respondent seeking for recognition of his Diploma obtained from the second respondent University within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law within a period of eight [8] weeks, thereafter. Till final orders are passed, the petitioner's position as a Secretary of the third respondent Association shall not be disturbed.



9. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

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/ /2022

Sub Assistant Registrar(CS)

MR

To

The Secretary,
Union of India,
Ministry of Human Resource Department,
Department of Higher Education,
Shasthri Bhawan,
New Delhi.

+1 CC to M/s.A. MOHAMED HASHIM, Advocate (SR-22196[F] dated 28/04/2022)

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-22901[F] dated 29/04/2022)

W.P.[MD]No.8421 of 2022
28.04.2022

NSN(CO)
KB(05.05.2022) 3P 4C