



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.8679 of 2020 and

WMP(MD) Nos.8017 and 8018 of 2020

WEB COPY

N.Anbarasu

... Petitioner

Vs.

1.State of Tamil Nadu

Rep. by its Additional Chief Secretary to the Government
Tourism, Culture & Religious Endowments (T2) Department
Fort St. George,
Chennai 600 009

2.The Secretary

Higher Education Department
Government of Tamilnadu
Fort St. George, Chennai.

3.The Commissioner of Tourism

Tamilnadu Tourism complex,
Wallajah Road
Chennai 600 002.

4.Madurai Kamaraj University

Rep. by its Secretary
Palkalai Nagar
Madurai

5.A.Raman

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the impugned Government Order in G.O.(Ms) No.101 Tourism, Culture & Religious Endowment (T2) Department dated 18.07.2020 on the file of the respondent No.1 and the consequential impugned order in Proc.No.2111/HRD-1/2016-1 dated 18.07.2020 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, directing the respondent No.1 and 3 to revert the respondent No.5 to the post of Office Superintendent within the time stipulated by this Court.

For Petitioner

: Mr.T.Aswin Rajasimman for
T.Lajapathi Roy

For Respondent

: Mr.N.Satheeshkumar for R1toR3
Additional Government Pleader



Mr.K.Ragatheeshkumar for R4
Mr.G.Prabhu Rajadurai for R5

ORDER

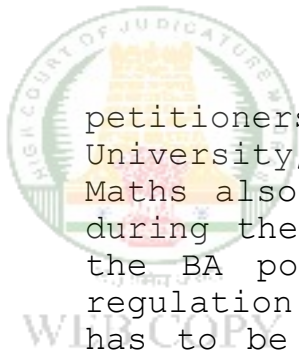
The writ on hand has been instituted to call for the records pertaining to the Government order in G.O.Ms.No.101 Tourism Department dated 18.07.2020.

2.The petitioner states that he is working as Assistant Tourism Officer. The grievance of the writ petitioner is that the 5th respondent, who was promoted to the post of Assistant Director, is not possessing the valid degree for such promotion, which is requisite for the post of Assistant Director. The contention of the petitioner is that the 5th respondent took 20 years to complete his degree and further more, he got admission to B.Sc., (Maths) course and simultaneously he has obtained BA degree in Political Science. In other words, it is contended that during the same academic year, he studied different courses, which raises a doubt, whether the degree obtained by the 5th respondent is a valid degree in accordance with the University Grants Commission Act and Rules and also as per the regulation of the University.

3. The learned Additional Government Pleader contended that the BA degree in political science obtained by the 5th respondent was false and as per the verification, the said degree was found to be valid. Therefore, the contention of the respondent is that the 5th respondent has qualified to the post of Assistant Director. However, the learned counsel for the petitioner made a submission that the verification was done only in respect of the BA political science degree and in respect of the specific allegations of the petitioner that he studied simultaneous course, which is in violation of the UGC regulation and therefore, such degrees are not looked into or considered by the competent authority. Therefore, the writ petition is to be considered.

4. The learned counsel for the 5th respondent objected the said contention by stating that once the degree found to be valid as per the University regulation, then such degree is to be considered for promotion to the post of Assistant Director. In the case of the 5th respondent, the department conducted the verification and based on the verification, a decision was taken that the degree obtained by the 5th respondent is valid and therefore, the writ petition is to be rejected.

5. This Court is of the considered opinion that the validity of the degree cannot be gone into by this Court in the present writ proceedings. The writ petitioner raised several doubts in the matter of simultaneous course allegedly undergone by the 5th respondent Mr.Raman. However, there is no sufficient materials on record to establish the same. Except the allegations set out by the



petitioners and the petitioner has referred certain documents of the University, which reveals that the 5th respondent had studied B.Sc. Maths also. When the 5th respondent had studied different courses, during the same academic year two admissions were granted, whether the BA political science was issued in accordance with the UGC regulation or not has to be enquired into and appropriate decision has to be taken. The allegations of the petitioner are specific that the 5th respondent did not possess the requisite qualification and further the degree obtained by him is invalid in view of the judgment of the Supreme Court and High Court. The Courts have consistently held that the degree granted in accordance with the UGC regulations alone are to be recognized. The unrecognized courses cannot be considered as valid. Degrees obtained through recognized courses can be considered as valid degree.

6. In view of the facts and circumstances, the petitioner is at liberty to submit all relevant documents along with a representation to the 4th respondent Madurai Kamaraj University within a period of two weeks from the date of receipt of a copy of this order. On receipt of any such representation along with relevant documents, the 4th respondent is directed to conduct a thorough verification regarding the validity of the degree obtained by the 5th respondent from the 4th respondent University and submit a report to the first respondent for further consideration. Based on the report of the 4th respondent University, the first respondent has to pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of the final report from the Madurai Kamaraj University.

7. With this direction, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Additional Chief Secretary to the Government
Tourism, Culture & Religious Endowments (T2) Department
Fort St. George,
Chennai 600 009



2.The Secretary
Higher Education Department
Government of Tamilnadu
Fort St. George, Chennai.

3.The Commissioner of Tourism
Tamilnadu Tourism complex,
Wallajah Road
Chennai 600 002.

4..Madurai Kamaraj University
Rep. by its Secretary
Palkalai Nagar
Madurai

+1 CC to M/s.SPL.GP. (SR-18600[F] dated 13/04/2022)

W.P. (MD)No.8679 of 2020
12.04.2022

TP (CO)
KB (26.04.2022) 4P 6C