



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.05.2022

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.A. (MD)No.479 of 2022

WEB COPY

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

... Appellant / 3rd Respondent

Vs.

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

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

... Respondents 1 & 2 / Respondents 1 & 2

3. P.Selvakumar ... 3rd Respondent / Petitioner

Prayer: Writ appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.8421 of 2022 dated 28.04.2022.

Prayer in WP(MD). 8421/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to recognize the diploma based upon the notification issued by the 1st respondent dated 10.06.2015 and accept the petitioners membership in 3rd respondent.



For Appellant : Mr.K.Baalasundharam

For R-1 : Ms.Victoria Gowri,
Assistant Solicitor General of India

* * *

J U D G M E N T

[Judgement of the Court was made by R.VIJAYAKUMAR, J.,]

Heard the learned counsel appearing for the appellant and the learned Assistant Solicitor General of India appearing for the first respondent.

2. The present intra-court appeal has been filed challenging the order of the learned Single Judge in W.P.(MD)No.8421 of 2022 dated 28.04.2022. The third respondent in the writ petition is the appellant herein. The writ petition has been filed by one Selvakumar seeking writ of mandamus directing the respondents therein to recognize the diploma of the petitioner based upon the Notification issued by the first respondent dated 10.06.2015.

3. According to the writ petitioner, he admittedly passed Diploma in Civil Engineering through lateral entry from the second respondent University. However, some of the members of the association have raised a doubt with regard to his educational qualification. He has further contended that he was duly elected as the Secretary of the association and due to some personal enmity, his educational qualification is being suspected by the members. On the basis of the aforesaid averments, the petitioner has approached this Court to recognize his diploma.

4. The learned Single Judge has passed an order directing the first respondent to dispose of the request of the petitioner within a period of eight weeks and till such time, the petitioner's position as the Secretary of the third respondent association shall not be disturbed by other respondents. This order is under challenge by the third respondent in this Writ Appeal.

5. The learned counsel appearing for the appellant had contended that the learned Single Judge ought not to have granted such an interim protection to the writ petitioner to continue as the Secretary of the association till the certificate is being verified by the concerned University.

6. We are not in a position to accede to the request of the appellant on the ground that till the certificate is verified and



genuineness of the certificate is decided by the second respondent, the writ petitioner is presumed to have a valid educational qualification. Hence, his position as the Secretary cannot be disturbed. The learned Single Judge has granted 8 weeks time to the respondents 1 and 2 to decide about the validity of the educational qualification of the writ petitioner. However, we are inclined to modify the period of time granted to the respondents 1 and 2. Such exercise shall be completed on or before 30.06.2022 by the respondents 1 and 2.

7. With the above modification, this writ appeal is disposed of. No costs.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

CM / PMU

To,

1. The Union of India,
Rep. By Secretary,
Ministry of Human Resource Development,
Department of Higher Education,
Shasthri Bhawan,
New Delhi.
2. The Director of Distance Education,
Janadran Rai Nagar Rajasthan Vidyapeeth University,
Airport Road, Pratap Nagar,
Udaipur,
Rajasthan - 313 001.

+1 CC to M/s.K. BAALASUNDHARAM, Advocate (SR-24163[F] dated 26/05/2022)

W.A. (MD) No.479 of 2022
26.05.2022

nsn(CO)

TR(28.05.2022) 3P 4C