



W.P(MD)No.6742 of 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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Dr.J.Mohan Raj

... Petitioner

-VS-

- 1.Manonmaniam Sundaranar University,
represented by its Registrar,
Abishekapatti,
Tirunelveli – 627 012.
- 2.The Secretary,
Kamaraj College,
Thoothukudi.
- 3.Dr.S.Arulmani,
Reader and Head of the Department of Tamil,
Kamaraj College,
Thoothukudi.
- 4.R.Baskaran,
Principal (In charge),
Kamaraj College,
Thoothukudi.
(R3 & R4 impleaded as per order dated
10.09.2008 by KSAJ in M.P.No.3 of 2008
in W.P.(MD) 6742 of 2008)

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus, to call for the records relating to
the impugned order of the first respondent in Ref.MSU/CD/QA/KC/2008



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dated 25.07.2008 and quash the same and consequently direct the first respondent to approve the petitioner's selection as Principal of the second respondent college with effect from 09.06.2008 with continuity of service with all consequential benefits.

For Petitioner	: Mr.T.Lajapathi Roy Senior Counsel for M/s.Lajapathi Roy & Associates
For 1 st Respondent	: Ms.Jasima Yasmia for M/s.Ajmal Associates
For 2 nd Respondent	: Mr.T.Antony Arulraj
For Respondents 3 & 4	: No appearance

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This Writ Petition has been filed to quash the impugned order of the first respondent in Ref.MSU/CD/QA/KC/2008, dated 25.07.2008, and consequently, to direct the first respondent to approve the petitioner's selection as Principal of the second respondent college with effect from 09.06.2008 with continuity of service with all consequential benefits.

2. The petitioner was employed as Reader in the second respondent College. Later he was appointed as Principal of the said College. According the petitioner, his appointment as Principal was after following the procedures contemplated in the Tamil Nadu Private Colleges (Regulation) Act, 1976. However, when the second respondent submitted a proposal for



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appointment of petitioner as Principal of second respondent College, the same was rejected pointing out certain irregularity in the said appointment.

3. It is to be seen that the first respondent University is concerned with the qualification of the concerned teacher as to whether he is fit and had the qualification to hold the post of Principal. It appears that the University rejected the representation of the College on certain irregularities on the constitution of the Selection Committee. On the same date, the University has also directed the second respondent to conduct fresh interview and seek approval of the appointment afresh. It is now admitted that by interim order, the petitioner continued in service and also retired on 31.05.2014. Therefore, the question now is whether the petitioner is entitled to get continuity of service with all consequential benefits.

4. Having regard to the facts and circumstances indicated, learned counsel appearing for the University has come forward to state that the University will consider the qualification of the petitioner and pass appropriate orders afresh. In the said circumstances, this Court is of the view that there is no further adjudication required in this matter.

5. In view of the submissions made by the learned counsel for the first respondent – University, it is open to the University to pass appropriate



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orders on the application submitted by the second respondent with regard to the qualification approval. The University is directed to pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order, without reference to the impugned order, which will be treated as ineffective. No costs.

[S.S.S.R, J.] [D.B.C., J.]
25.08.2023

Index : Yes / No
Neutral Citation : Yes / No
sj

To

- 1.The Additional Chief Secretary to Government,
Planning Development and Special Initiatives Department,
State of Tamil Nadu,
Fort St. George,
Chennai – 600 009.
- 2.The Principal Secretary and Director,
Directorate of Economics and Statistics,
DMS Compound, College Road,
Chennai – 600 006.
Dindigul District,
Dindigul.



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S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

sj

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