



W.A.(MD) No.482 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.482 of 2023
and
C.M.P(MD) No.4952 of 2023**

The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai.

... Appellant

-VS-

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

... Respondent/
Writ Petitioner



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2. The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai- 600 009.
3. Dr.S.Vasudevan,
Member Convener Committee/senior
Principal Scientist, CSIR-CECRI, S-3,
CECRI Quarters, Karaikudi- 630 003,
Sivagangai District.
4. Mr.A.Meshach Ponraj,
Member Convener Committee/ Associate
Professor Department of Computer Science,
School of Information Technology,
Madurai Kamaraj University,
Madurai – 625 021.
5. Dr.V.Ramarajanpandian,
Professor and Head of Department of
Modern Literature School of Tamil Studies,
Madurai Kamaraj Univeristy,
Madurai- 625 021.

... Respondents/
Respondents 1,2,3&5

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 09.11.2022, passed in W.P.(MD) No.5728 of 2022, on the file of this Court.

For Appellants : Mr.T.Cibi Chakravarthi

For Respondents : Mr.S.Ilanvaludhi
for Mr.R.Babu for R1
Mr.D.Sadiq Raja
Additional Government Pleader for R2



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J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

We do not see any reason to interfere with the interpretation placed by the Writ Court on the effect of Note:1, which 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.”

2. Mr.T.Cibi Chakravarthi, learned counsel appearing the University would vehemently contend that though the School of Youth Empowerment has got two departments, it has got only one professor and if the said 'Note 1' is to be strictly implemented, the petitioner in the writ petition, namely, the first respondent herein, would continue to be the Chairperson of the School till his retirement. Thereby, rendering the second part of the 'Note' which imposes an obligation on the Vice-Chancellor to rotate the professors as Chairpersons will



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stand defeated.

3. We refuse to accept the said contention of the learned counsel in view of the conduct of the University itself. It is seen from the record that the fifth respondent was nominated as a professor in the year 2018 and he has been continued till date which is actually in violation of the second part of the Note. Though the pendency of a writ petition is cited, even after the disposal of the writ petition the Syndicate passes a resolution extending the tenure of the fifth respondent beyond the period of two years also. In the light of such continued violation of the provisions of the statute by the University itself, we do not think that we should interfere with the order of the learned Single Judge. Hence, the writ appeal fails and it is accordingly dismissed. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

21.04.2023

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To:

The Principal Secretary to Government,
Higher Education Department,
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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