



W.P.No.17197



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.17197 of 2015

Dr.V.Ganesan

... Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by Secretary to Government,
Higher Education Department,
Secretariat, Chennai – 600 009.
2. University of Madras,
Represented by its Registrar,
Chepauk, Chennai – 600 005.
3. The Regional Joint Director of Collegiate Education,
Chennai Region, Anna Salai,
Chennai – 600 002.
4. A.M.Jain College,
Represented by its Secretary,
Meenambakkam, Chennai – 600 114.
5. Thiru.R.Elangovan
6. Thiru.B.Philip Chandrahasan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th



Respondent pertaining to Proceedings of the Secretary, A.M. Jain College, No.1, Dr.V.G./English/ Appeal/2014, dated 24.07.2014, to quash the same and to issue consequential directions to the Respondents to place the Petitioner above the 5th and 6th Respondents herein in the seniority Ranking in the posts of Lecturer, Lecturer (SS), Lecturer (SG) (Assistant Professor) and Associate Professor and to consequently post the Petitioner as Head of Department (English) in the 4th Respondent College.

For Petitioner	: Mr.M.Ravi
For R1 and R3	: Mr.Neethi Perumal, Government Advocate
For R2	: Mr.M.Arunkumar
For R4	: Mr.K.Shakespeare

ORDER

The subject matter of this Writ Petition is the claim of the petitioner for seniority over and above the Respondent No.5 in the Respondent.4/ College. The said claim made by the petitioner was considered by the Respondent No.4/ College and having taken into consideration that the petitioner herein joined in the services of the Respondent No.4/ College on 14.07.2000, the Respondent No.4 rejected the claim of the petitioner to provide seniority to the petitioner over and above Respondent No.5 by passing the impugned order dated



24.07.2014. It is aggrieved by the said order dated 24.07.2014, the petitioner approached this Court by filing the present Writ Petition.

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2. There are no rules and regulations or any statutory provision that govern seniority among the persons working in a Private Aided College. In the absence of any such provision creating an obligation on the part of the Respondent No.4/ College to maintain seniority in a particular manner as well as in respect of filling up of the posts of the 'Head of the Department', this Court is of the considered view that the Writ Petition filed by the petitioner cannot be entertained. Further, in terms of Section 20 of the Tamil Nadu Private Colleges (Regulation) Rules, 1976 read with Rule 14 of the Rules, 1972, there is an effective remedy available for the petitioner to agitate his claim before the Director of Collegiate Education.

3. The claim of the petitioner is only for seniority over the Respondent No.5 herein. The resolution of the same depends upon verifying various factual aspects and also examination of records of the Respondent No.4/ College. Hence, this Court is of the considered view that such an exercise can be effectively conducted by the Director of Collegiate Education. In the light of the



above, this Court is not inclined to entertain the Writ Petition under Article 226 of the Constitution of India.

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4. Accordingly, the Writ Petition is **dismissed** leaving it open to the petitioner to avail the remedy of appeal before the Director of Collegiate Education within a period of four weeks from the date of receipt of a copy of this order. In case, if such an appeal is filed by the petitioner within the time stipulated, the Director of Collegiate Education shall consider the same and pass appropriate orders in accordance with law within a further period of eight weeks from the date of receipt of the said appeal. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

05.09.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Secretary Government of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai – 600 009.
2. The Registrar, University of Madras,
Chepauk, Chennai – 600 005.



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3. The Regional Joint Director of Collegiate Education,
Chennai Region, Anna Salai,
Chennai – 600 002.

4. The Secretary, A.M.Jain College,
Meenambakkam, Chennai – 600 114.



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MUMMINENI SUDHEER KUMAR, J.

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