



WEB COPY



W.P.No.23214 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.23214 of 2012
and
M.P.Nos. 2 of 2012 and 1 of 2013

N.Asir Dharma Roy

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of Law,
Fort St.George,
Chennai - 600 009.
2. The University Grants Commission,
Represented by its Chairperson,
Bahadurshah Zafar Marg,
New Delhi - 100 002.
3. The Bar Council of India,
Represented by its Secretary,
Rose Avenue, New Delhi.



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4. TN Dr.Ambedkar Law University,
Represented by its Registrar,
Dr.D.G.S. Dinakaran Salai,
Chennai - 600 028.

5. The Director of Legal Studies,
Purasaiwalkam High Road,
Chennai - 600 010.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records relating to the impugned order issued by the 1st respondent State Government in G.O.Ms.No.527 (Law - LS Department) dated 08.08.2012 in so far as the petitioner is concerned, quash the same and further direct the respondents to permit the petitioner to continue in service as Principal of Government Law College with all attendant benefits including salary and allowances.

For Petitioner	: Mr.P.Godson Swaminath for M/s.Isaac Mohanlal
For R1	: Mr.T.Chandrasekaran Special Government Pleader
For R2 & R4	: No appearance
For R5	: Mr.D.Ravichander Special Government Pleader (Higher Education)
For R3	: Not Ready in Notice



ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

It is not in dispute that the petitioner served as Lecturer in Government Law College and retired from service twelve years back.

2. The writ petition has been instituted challenging the Government Order issued in G.O.Ms.No.527 (Law-LS Department) dated 08.08.2012 rejecting the claim of the writ petitioner to promote him to the post of Principal in Government Law College. The reason assigned by the Government for rejecting the claim of the petitioner is that the petitioner was not fully qualified to hold the post of Principal as per the University Grants Commission Regulations of minimum qualification for appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2010.

3. Mr.T.Chandrasekaran, learned Special Government Pleader appearing on behalf of the 1st respondent would submit that the petitioner was not possessing the essential qualification of Ph.D in the same discipline



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as per the University Grants Commission Regulation. Thus, he was not considered for the post of Principal.

4. Since the petitioner has not served as Principal, now he cannot claim salary and other benefits attached to the post of Principal. He is eligible to draw the benefits as attached to the post of Lecturer as on the date of his retirement. Therefore, we do not find any infirmity in respect of the reasons given by the Government in the impugned order. Consequently, the Writ Petition stands **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [C.K., J.]
18.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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