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W.P.No.18059 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18059 of 2024

S.Jeyalakshmi

.... Petitioner

Vs

1. The Secretary to Government,
Ministry of Higher Education Department,
Fort St.George, Chennai – 9.

2. The Registrar,
Anna University,
Sardar Patel Road,
Chennai – 600 025.

3. V.R.Sarma Dhulipala.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records, leading to the impugned order letter No.914/AU/UCE-BIT-CCC/EC1/2023 dated 07.03.2024 on the file of the second respondent and quash the same and directing the first and second respondents to appoint the petitioner to the post of Lecturer in Physics.



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For Petitioner : Mr.N.Naganathan
For R1 : Mr.C.Jayaprakash
Government Advocate
For R2 : Mr.U.Baranidaran
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 07.03.2024, thereby rejected the request made by the petitioner to cancel the appointment of the third respondent as Lecturer in the Department of Physics.

2. Heard Mr.N.Naganathan, learned counsel appearing for the petitioner, Mr.C.Jayaprakash, learned Government Advocate appearing for the first respondent, Mr.U.Baranidaran, learned Standing Counsel appearing for the second respondent and perused the materials available on record.

3. The petitioner is eligible to apply for the post of Lecturer in Physics Department. While being so, the first respondent



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called for applications to fill up the post of Professor, Assistant Professor and Lecturers in various departments by direct recruitment. The petitioner applied for her respective course and she was ranked as 17, whereas, the third respondent was ranked as 16 and she was appointed in the post of Lecturer in the Physics Department.

4. The learned counsel appearing for the petitioner contended that challenging the appointment of the third respondent, the petitioner filed a writ petition before the Madurai Bench of this Court in W.P.(MD) No.13396 of 2009 by considering the submissions of the petitioner that the third respondent is not qualified with M.Sc (Physics) and she completed M.Sc (Electronics) that too in Andhra University, this Court, by an order dated 21.02.2019, directed the first respondent to conduct enquiry in this regard whether the third respondent is rightly seeking qualification to the post of Lecturer in Physics Department and pass appropriate orders within a period of four months from the date of receipt of a copy of the order. Aggrieved by the same, the petitioner preferred a writ appeal before the Madurai Bench of this Court in W.A (MD) No.1241 of 2020.



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5. By G.O.Ms.No.169, Higher Education (K1) Department, dated 26.08.2022, it was ordered that the degree obtained by the third respondent in M.Sc (Electronics) awarded by Andhra University is not equivalent to the M.Sc (Physics) for the purpose of employment in public services. The Hon'ble Division Bench of this Court, by an order dated 01.12.2022, disposed of the said writ appeal and directed the Ministry of Higher Education Department to pass necessary orders within a period of four weeks from the date of receipt of a copy of the order. As directed by the Hon'ble Division Bench of this Court, the second respondent passed an order dated 07.03.2024, which is under challenge in this writ petition contending that as per the recommendations of the Selection Committee and approval of the erstwhile syndicate of Anna University of Technology, the third respondent was appointed as Lecturer in the Department of Physics at erstwhile Annal University of Technology, Tiruchirappalli. Accordingly, the third respondent had joined duty on 15.09.2009.



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6. That apart, by G.O.Ms.No.169, Higher Education (K1)

Department, dated 26.08.2022, it was declared that M.Sc (Electronics) awarded by the Andhra University is not equivalent to M.Sc (Physics) for the purpose of employment in public service. It was passed only on 26.08.2022. Whereas, the third respondent has completed P.G.Degree and he had joined in the Department of Physics in the year 2009 itself as per the recruitment notification dated 14.09.2008.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent. Thus, the writ petition lacks merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

09.07.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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To

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