



W.A.No.2850 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

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

W.A.No.2850 of 2021

N.Sailapathi

... Appellant

Vs.

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

2.The Chairman,
University Grants Commission (UGC),
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

3.The Registrar,
University of Madras,
Chepauk Campus,
Chennai – 600 005.

4.Mr.Jayanth Jacob

5.Mr.A.K.Sheikh Manzil

6.Mr.R.Mahesh



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7.Mr.N.Senthil Kumar

8.The Director of Technical Education,
T.N.Anna University,
Chennai – 600 025.

9.The Member Secretary,
All India Council for Technical Education,
New Delhi.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 02.07.2021 made in W.P.No.3943 of 2004, and allow the writ appeal.

For Appellant	: Ms.R.Srinithi For Mr.R.Prabhakaran
For R1	: Mr.V.Govardhanan For M/s.Row and Reddy
For R2 & R9	: Mr.B.Rabu Manohar
For R3	: Mr.A.S.Vijaya Ragavan
For R4 to R7	: No Appearance
For R8	: Mr.D.Ravichander Special Government Pleader [Higher Education]



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J U D G M E N T

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[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The Educational Qualifications prescribed for selection and appointment to a post cannot be substituted by the Courts in exercise of the powers of judicial review.

2. In the present case, the appellant participated in the process of selection for appointment to the post of Lecturer in Management in the 1st respondent / University.

3. Ms.R.Srinithi, learned counsel for the appellant would contend that the appellant passed National Eligibility Test (NET) and therefore, his candidature ought to have been considered as preferred candidate for selection and appointment to the post of Lecturer in Management.

4. Mr.D.Ravichander, learned Special Government Pleader appearing on behalf of the 8th respondent, Mr.V.Govardhanan, learned counsel for the 1st respondent, Mr.B.Rabu Manohar, learned counsel for the respondents 2 and 9 and Mr.A.S.Vijaya Ragavan, learned counsel for the 3rd respondent



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would submit that the NET is not a qualification prescribed under the notification for appointment to the post of Lecturer in Management. Since the qualification of NET has not been considered as a requisite qualification, the claim of the appellant cannot be considered. Thus, the Writ Court rightly rejected the same.

5. We are of the considered the opinion that the prescription of educational qualification in accordance with the Service Rules is the propagative of the employees. Admittedly, in the present case, NET has not been prescribed as an essential qualification for selection and appointment to the post of Lecturer in Management. Thus, non selection of the appellant cannot be construed as illegal or perverse. Thus, the Writ Court has rightly arrived at a conclusion and we are disinclined to interfere with the order impugned. Consequently, the Writ Appeal stands dismissed. No costs.

[S.M.S., J.] [C.K., J.]
26.06.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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