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WA Nos.2314 and 2315 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WA Nos.2314 and 2315 of 2024

1.TheagarayaChetty Educational Institutions

Sir Theagaraya College Committee

Represented by its Secretary,

Old No.345 New No.1047

T.H. Road, Old Washermenpet,

Chennai-600021.

2.The Secretary & Correspondent,

TheagarayaChetty Educational Institutions,

Sir Theagaraya College Committee

Chennai- 600021.

... Appellants in

WA Nos.2314 and 2315 of 2024

versus

1.Dr.K.Thamizharasan

Associate Professor & Head,

Department of Physics,

Sir Theagarya College,

Chennai -600 021.



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2.The Secretary to Government of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai-600 009.

3.The Director of Collegiate Education,
DPI Campus
EVK SampathMalligai,
College Road, Chennai-600 006.

4.The Joint Director of Collegiate Education,
Chennai Region,
Saidapet, Chennai-600 015.

5.Dr.P.Senthilkumar,
HOD of Zoology, Sir Theagaraya College,
Chennai-600 021.

6.The Registrar,
University of Madras,
Chepauk, Chennai 600 005.

7.University Grants Commission,
Represented by its Secretary,
New Delhi.

.... Respondents 1 to 7 in
WA Nos.2314 and 2315 of 2024

8.Dr.P.Sudhakar,
President,
Sir Theagaraya College Committee,
Chennai-600 021.

9.Dr.D.Rajasekar,
Member,
Sir Theagaraya College Committee



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Chennai -600 021.

10.Dr.G.Bhaskaran

Professor, Department of Geography,
University of Madras,
Guindy, Chennai 25
Member, Sir Theagaraya College Committee,
Chennai -600 021.

11.Dr.M.Thenmozhi,

Professor and Head,
Department of Management Studies,
IIT Madras, Chennai-600 036.

12.Dr.M.G.Ragunathan,

Principal, Gurunanak College (Auto),
Velachery, Chennai-600 042.

13.Dr.M.Suresh Gandhi,

Professor, Department of Geology,
University of Madras, Guindy,
Chennai- 600 025.

14.Dr.B.Devamainadhan,

Professor of Management Studies,
University of Madras,
IDE, Chepauk,
Chennai 600 025.

15.Dr.S.Chinnammai,

Professor & Head,
Department of Economics,
University of Madras.

...Respondents 8 to 15
in WA Nos.2314 of 2024

PRAYER: Writ Appeals filed against the order of the learned Single Judge



WA Nos.2314 and 2315 of 2024

in WP Nos.7241 and 6880 of 2024 dated 10.07.2024.

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For the Appellants

:Mr.B.Ravi

in WA Nos.2314 and 2315 of 2024

For the Respondents

:Mrs.A.Arulmozhi

for first respondent

Mr. D.Ravichander

Special Government Pleader

for respondents 2 to 4

Ms.V.Sudha

for sixth respondent

in WA Nos.2314 and 2315 of 2024

COMMON JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

These Writ Appeals are filed against the order of the learned Single Judge in WP Nos.7241 and 6880 of 2024 of 2024 dated 10.07.2024.

2. By consent of parties, these writ appeals are taken up for final disposal.

WA Nos.2314 of 2024:

3. Brief facts of the case:

3.1. The first respondent, Dr.K.Thamizharasan, was appointed as



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Principal In-charge of the appellant college on 31.05.2018, after the retirement of previous Principal of the said college. Thereafter, relieving order was served to the first respondent informing that the fifth respondent, Dr.P.Senthikumar, was selected and appointed as the Principal of the appellant College. Challenging the same, the first respondent, has filed a writ petition in W.P. No.15426 of 2018. The writ court, by order dated 15.11.2021 had allowed the writ petition with the following directions:

i) The eighth respondent, Registrar of Madras University shall furnish names of new experts to the third and fourth respondents college to constitute a new Selection Committee, within a period of Thirty (30) days from the date of receipt of a copy of this order.

ii) Meeting of the new Selection Committee shall be fixed by the fourth respondent preferably within a period of Fifteen (15) days thereafter after ascertaining convenience of the respective experts.

iii) The fourth respondent shall also simultaneously intimate the date of the proposed interview to the petitioner and the fifth respondent before the Selection Committee.

iv) Both the petitioner and the fifth respondent shall attend the interview before the Selection Committee on the date fixed for interview.

v) The Selection Committee shall interview and evaluate the API Scores of the petitioner and



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the fifth respondent in accordance with the UGC Guidelines in force and give their recommendations on the same date of the meeting/interview.

vi) The third/fourth respondent shall declare the results of the interview immediately based on the recommendation of the aforesaid selection Committee.

vii) In case, the name of the fifth respondent is recommended, the fifth respondent shall be allowed to complete the term of five years from the date of his initial appointment.

viii) In case, the petitioner is found suitable based on the recommendation of the aforesaid Selection Committee, the petitioner shall be appointed as the Principal of the fourth respondent college for the term of 5 years or such other terms as per the UGC Guidelines and relevant Rules/Regulations.

ix) It is made clear that the entire exercise shall be carried out by the eighth respondent and the fourth respondent, within a period of fifty (50) days from the date of receipt of a copy of this order.

x) During the interregnum, the fifth respondent shall continue to the Principal in-charge of the fourth respondent college till the above exercise is carried out and shall refrain from taking any important policy, administrative and financial decision of the fourth respondent college.

3.2. Challenging the said order, the appellant college had filed a writ



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appeal in WA No.2930 of 2021. In the said appeal, the appellate court has passed an interim order dated 13.12.2021. The appellate court has permitted the fifth respondent to discharge the administrative and financial decisions of the appellant college till the disposal of the said appeal and granted status quo in respect of selection to the post of Principal till the disposal of the said appeal.

3.4. Subsequently, an appeal was filed by the fifth respondent in WA No.69 of 2022 challenging the order in WP No.15246 of 2018. The appellate court has passed an interim order dated 19.04.2022 in both the aforesaid appeals. The relevant portion of the order reads as under:

“2 The limited grievance was that the selection process should be conducted as per the UGC norms. However, the Selection Committee had referred the evaluation of Academic Performance Indicator, to an external expert, which is stated to be contrary to the UGC Regulations. It is now submitted that a fresh Committee will be constituted in compliance of the UGC norms. In view of the same, the following directions are issued:-

a) The Institution shall forward the request to the Registrar of University, within a period of ten days from the date of receipt of a copy of this



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order, for constituting a panel of experts.

b) The Registrar, in turn, shall circulate the name of the expert panel to the Institution, within a further period of ten days, from the date of receipt of such request.

c)The experts from the panel will be selected by the Institution and the Expert Committee formed shall be intimated, within a further period of ten days.

d)Thereafter, the Selection Committee shall complete the process of evaluation of Academic Performance Indicator, within a further period of ten days.

e.On completion of the same, the results shall be produced before this Court in a sealed cover.

3.5. Thereafter, a report dated 18.06.2022 was submitted by the Selection Committee before this Court on 10.08.2023. The Selection Committee had given its final scores to the first respondent as well as the fifth respondent. Aggrieved by the said report of the Selection Committee, the first respondent herein filed CMP No.19701 of 2023 in WA No.2930 of 2021 praying to implead the selection committee members and highlighted the flaws in the report. At that stage, when the matter came up for hearing on 19.02.2024, the appellants in WA Nos.2930 of 2021 and 69 of 2022, i.e.



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appellant college and fifth respondent herein filed memos, seeking to withdraw the appeals, as even the 2nd Selection Committee, which is constituted by way of an interim order of this court has confirmed its earlier decision to appoint the fifth respondent as the Principal. By a judgment dated 29.02.2024, both the appeals came to be dismissed as withdrawn.

3.6. Thereafter, based on the 2nd Selection Committee's report, the appellant college continued with the appointment of the fifth respondent as Principal. Hence, the first respondent filed the instant writ petition, challenging the second selection committee dated 18.06.2022 of respondents 8 to 15, and for a direction to the appellant college to appoint the first respondent as principal of the appellant college with effect from the date of the order of writ court in WP No.15246 of 2018 dated 15.11.2021 and to permit the first respondent to complete the tenure in the post of Principal with all consequential and attendant benefits. The writ court, by order dated 10.07.2024, had allowed the writ petition with the following terms:

(i) The assessment of the Academic



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Performance Indicator (API) for the post of Principal selection by the 2nd selection committee constituted upon the directions of this Court, with the respondents 9 to 16 as its members, dated 18.06.2022 is set aside;

ii) The 7th respondent shall depute three experts who shall be the screening and evaluation committee for screening the self -assessment of the petitioner as well as the 6th respondent in respect of the API scores and such experts shall be other than the respondents 9 to 16 in the present writ petition on or before 25.07.2024.

iii) The petitioner and the 6th respondent can also submit their fresh self-assessment with reference to every research paper as per the tabulation as prepared by the 2nd expert committee, i.e., mentioning the Serial number, Paper number, Name of the journal, Application page number, ISSN number, Indexed in , Peer reviewed, Impact factor, First Author, Corresponding Author, Supervisor, Rest of the Authors, Score 100 % wt, Score of 70% shared Marks, Score of 30% shared Marks and the Final Score, before the respondents 4 and 5 on or before 31.07.2024, if they choose to,

iv) Thereafter, the expert committee/screening committee shall meet on or before 16.08.2024 and consider and arrive at the API score strictly as per the UGC guidelines which are explained supra above in this order, in respect to every paper and arrive at a score in respect of Category (III) - Research and academic Contribution (A) i.e., Research papers published;

v) Respondents 4 and 5 shall also place all the records which are produced by the petitioner



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and the 6th respondent herein along with their application in respect of all other categories and the evaluation committee shall re-assess the API scores as per the table;

vi) The newly constituted expert committee shall prepare the Category-I,II and III and after preparing the final table in the same form as per the earlier selection committee, which is now set aside by this Court and also finally add up the interview marks and submit the results to the respondents 4 and 5;

vii) In the resultant total score, if the 6th respondent gets more marks, then no further orders need to be passed by respondents 4 and 5. In the resultant score, if the petitioner has got more marks than the 6th respondent, then the petitioner shall be appointed as the Principal in respect of the 4th respondent-College for five years or until he attains the age of superannuation, on or before 15.08.2024. The final evaluation of the Expert Committee shall also be furnished to the petitioner as well as the sixth respondent."

4. WP No.2315 of 2024

4.1. The first respondent herein Dr.K.Thamizharasan, filed the writ petition in WP No.6880 of 2024, challenging the impugned circular dated 01.02.2024 calling for the applicants and for a direction to the appellant college committee to comply with the directions dated 15.11.2021 issued in



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W.P.No.15246 of 2018 in respect of the selection of the Principal.

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4.2. The writ court disposed of the writ petition by observing as follows:

i) The order of interim stay of further proceedings granted by this court on 18.03.2024 shall stand vacated.

ii) The respondents can proceed further with the receiving applications by extending time also if they choose to;

iii) They can process the applications and proceed to conduct the selection also;

iv) However, the final results of the selection shall not be announced untill the Expert Committee submits its report of final scores as per the directions given in WP No.7241 of 2024 and depending on the same, the respondent can proceed to declare the results and select the new principal or appoint the petitioner in WP No.7241 of 2024 as the case may be.

5. Challenging the orders passed by the writ court, the appellant college has filed the present intra court appeals before this Court.

6. Mr.B.Ravi, learned counsel for the appellant college submits that



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the order passed by the learned Single Judge is beyond the scope of the provisions of the Act and therefore, the said order is liable to be set aside.

7. Learned counsel for the first respondent submits that initiation of disciplinary proceeding against the first respondent by the appellant college was only with mala fide intention. Further, in the earlier round of litigation, in WP No.15246 of 2018, which was filed, challenging the selection of the fifth respondent, came to be allowed. The appellant College also filed an appeal in WA No.2930 of 2021 against the said order. In the said appeal, the Division Bench has granted an interim order of status quo initially on 13.12.2021. Thereafter, the fifth respondent filed WA No.69 of 2022 and the Division Bench, passed an interim order dated 19.04.2022, in both the aforesaid writ appeals, directing constitution of a new Selection Committee for evaluation of API scores and to submit results of the said selection committee before this Court. Pursuant to the direction of this Court, the Selection Committee submitted a report dated 18.06.2022 before this Court on 10.08.2023. At that stage, the appellant college and the fifth respondent



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sought to withdraw the writ appeals. Hence, the writ appeals were dismissed as withdrawn.

8. Learned counsel for the first respondent further submits that since no Principal is appointed in the appellant college, the first respondent herein is deprived of an opportunity to serve as Principal, due to the delay in taking a decision by the appellant college for appointing a new Principal. Further, after a period of five years, now the appellant college has initiated new selection process for appointment to the post of Principal. To that extent, learned counsel for the first respondent would submit that the first respondent herein is also entitled for consideration for appointment to the post of Principal, by taking into consideration the fact that in the earlier round of litigation, the first respondent was held to be eligible to the said post. Even though the appellant college is conducting a fresh selection process, they should also permit the first respondent herein to participate in the aforesaid selection process and the denial of the same would affect the right of the first respondent herein for appointment to the said post. The first respondent is the senior most Associate Professor. Therefore, he is also



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entitled to participate in the said selection process.

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9. Learned Special Government Pleader appearing for the respondent Department would submit that once the entire selection process is completed by the appellant college, a proposal has to be sent to the Director of Collegiate Education for approval. Therefore, if any such proposal has been received or any objection is raised with regard to the selection process, the same will also be considered by the authority concerned.

10. Heard the parties and perused the materials available on record.

11. As regards the fifth respondent, it is brought to the notice of this court that the fifth respondent has already attained superannuation and therefore he is out of the selection process.

12. It is now fairly agreed by the appellant college that the appellant College will also permit the first respondent to participate in the selection

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process. Learned counsel for the first respondent also undertakes that the first respondent will also participate in the aforesaid selection process.

13. In view of above submissions made by the parties concerned, this Court is of the view that the selection committee of the appellant college has to proceed with the selection process and the said committee has to strictly follow the rules and guidelines issued by the UGC for selection for appointment to the post of Principal. Hence, this court is inclined to pass order as follows:

i) The first respondent shall submit his proforma for considering for selection to the post of Principal of the appellant college, within a period of two weeks from the date of receipt of a copy of this Judgment.

ii) The Selection Committee of the appellant college has to consider the said proforma submitted by the first respondent and take a final decision within a period of four weeks thereafter and send the same for approval to the Director of Collegiate Education.

iii) If the first respondent has any other grievance, he has every right to make his objection before the Director of Collegiate Education.



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iv) On receiving the said proposal from the selection committee, the Director of Collegiate Education shall consider the same along with the objection, if any, received from the first respondent and to take appropriate decision for approval of the said appointment of the Principal of the appellant college, as early as possible, without any further delay, within a period of four weeks thereafter.

v) We make it clear that this order is only for considering for selection process for appointment of the Principal of the appellant college for this academic year only. Any other earlier observation made by this court in respect of appointment of the then principal of the College is concerned, has become final.

14. With the above directions, the writ appeals stand disposed of accordingly. Consequently, CMP Nos.16275 and 16277 of 2024 are closed.

(D.K.K., ACJ.) (K.B., J.)
31.07.2024

mrn

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Index : Yes/No

Neutral Citation : Yes/No

mrn

To

1.The Secretary to Government of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai-600 009.

2.The Director of Collegiate Education,
DPI Campus
EVK SampathMalligai,
College Road, Chennai-600 006.

3.The Joint Director of Collegiate Education,
Chennai Region,
Saidapet, Chennai-600 015.

4.The Registrar,
University of Madras,
Chepauk, Chennai 600 005.

5.University Grants Commission,
Represented by its Secretary,
New Delhi.



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THE HON'BLE ACTING CHIEF JUSTICE
and
K.KUMARESH BABU,J.
(mrn)

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