



W.P.(MD)No.21062 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.21062 of 2018

M.Sundarapandian

: Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Department of Tamil Development and Hindu Religious
and Charitable Endowments,
Fort St. George,
Chennai – 9.

2.Tamil University,
Rep. by its Registrar,
Thanjavur – 613 010.

3.The Vice Chancellor,
Tamil University,
Thanjavur – 613 010.

4.Dr.N.Malathy

5.The Public Information Officer,
Tamil University,
Thanjavur.

: Respondents

[R5 is suo motu impleaded vide order dated 03.10.2018]



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Declaration, declaring that the action of the respondents 1 and 2 in selecting and appointing the fourth respondent as Assistant Professor in the Department of Folklore, when she is not possessing either educational or experience qualification relating to the subject of Folklore and when the candidates, including me, who are possessing the desirable educational qualification of Ph.D in Folklore are available and overlooked and when she is less meritorious than me in all respects, as illegal, arbitrary and unconstitutional and consequently direct the respondents 1 and 2 to select and appoint the petitioner as Associate Professor in the Department of Folklore with effect from 14.07.2018, the date on which the fourth respondent joined duty as Assistant Professor with all consequential benefits, award costs.

For Petitioner : Mr.S.Arunachalam

For Respondent No.1 : Mr.T.Amjad Khan
Government Advocate

For Respondents 2&3 : Mr.Sachin Ragul
for M/s.Arul Vadivel Associates
Standing Counsel

For Respondents 4&5 : No appearance



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ORDER

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This Writ Petition has been filed seeking for a declaration that the action of the respondents 1 and 2 in selecting and appointing the fourth respondent as Assistant Professor in the Department of Folklore is arbitrary and illegal.

2. According to the petitioner, the fourth respondent is not possessing the requisite educational qualification relating to the subject of Folklore and therefore, she is not entitled to be appointed to the post of Assistant Professor [Folklore] in the second respondent University. The petitioner claims that since he is having the educational qualification of Ph.D., in Folklore, he alone is eligible to be appointed to the post of Assistant Professor, Department of Folklore in the second respondent University.

3. The following are the undisputed facts:

a) The petitioner is possessing the educational qualification of Ph.D., in Folklore and the fourth respondent is possessing the educational qualification of Ph.D., in Tamil.

b) Both of them applied for the very same post of Assistant Professor in the Department of Folklore in the second respondent University.



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c) The official respondents contend that the educational qualification of Ph.D., [Folklore] is equivalent to Ph.D., [Tamil], which the fourth respondent is possessing.

4.The petitioner contends that Ph.D., [Tamil] possessed by the fourth respondent is not equivalent to Ph.D., [Folklore] and therefore, for the post of Assistant Professor in the Department of Folklore in the second respondent University, the petitioner is more suitable and eligible than that of the fourth respondent. According to the petitioner, the fourth respondent has been arbitrarily and illegally appointed as Assistant Professor in the Department of Folklore in the second respondent University.

5.The issue raised by the petitioner in this writ petition is no longer *res integra* as held by the Division Bench of this Court on **27.09.2024 in W.A.(MD)Nos.877 to 879 of 2018**, in the case of the very same University involving the very same subject matter. The Division Bench in the aforesaid decision has categorically held in Paragraph No.20 that Master's Degree in Tamil is equivalent to Master's Degree in Folklore, which is based on expert opinion rendered by an Expert Committee constituted by the University.



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Since Ph.D., [Folklore] and Ph.D., [Tamil] are equivalent educational qualifications for the purpose of appointment to the post of Assistant Professor, Department of Folklore in the second respondent University as held by the Division Bench judgment stated supra, the question of entertaining this Writ Petition does not arise.

6. Since there is no merit in this Writ Petition, the same is dismissed. There shall be no order as to costs.

14.10.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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ABDUL QUDDHOSE, J.

MR

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