



W.P.Nos. 22069 of 2024 and etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.22069, 22072, 22076, 22078, 22073, 22075, 22081,
22082, 22083, 22085, 22087, 22149, 22160, 22151, 22155, 22157,
26487, 26490, 26494, 26495, 26503, 26505, 26506, 26509, 26510,
26512, 26514, 26515, 26516, 26517, 26519, 26521, 26790, 26795,
26799, 26873, 26879, 26881, 26888, 26891, 26894, 26890, 26895,
26898, 26899, 27575, 27578, 27595, 27584, 27588, 27589,
27593 and 27759 of 2024

and

W.M.P.Nos.24064, 24053, 24047, 24052, 24065, 24067, 24056,
24057, 24060, 24070, 24072, 24133, 24131, 24135, 24137, 24142,
29008, 29010, 28999, 29000, 29014, 28961, 28962, 28965, 28967,
28972, 28974, 28976, 28977, 28988, 28989, 28993, 28995, 28997,
29002, 29004, 29006, 29012, 29304, 29309, 29298, 29412, 29395,
29402, 29394, 29413, 29405, 29408, 29409, 29410, 29411, 29415,
29416, 29414, 29417, 29424, 29426, 30087, 30092, 30093, 30113,
30119, 30120, 30094, 30099, 30100, 30105, 30106, 30108, 30109,
30112, 30269 & 30270 of 2024

W.P.No.22069 of 2024

Dr.J.Birabakaran

.... Petitioner

Vs

The Registrar (Incharge),
Annamalai University,
Annamalai Nagar,
Chidhambaram – 608 002.

.... Respondent

Prayer :- Writ Petition filed under Article 226 of Constitution of India for
the issuance of Writ of Certiorarified Mandamus, to call for the records of



W.P.Nos. 22069 of 2024 and etc batch

the respondent in his proceedings University order No.512/024 (C-C7) dated 05.07.2024 and quash the same as illegal and consequently direct the respondent to settle all the arrears of salary, increments etc.

W.P.Nos.22069, 22072, 22073, 22075, 22076, 22078, 22081, 22082, 22083, 22085, 22087, 26890, 26895, 26898, 26899 of 2024

For Petitioners : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates
For Respondent : Mr.M.Ajmal Khan
Additional Advocate general
Assisted by
Mr.S.Venkatesh
for M/s.Ajmal Associates

W.P.Nos.22149, 22151, 22155, 22157 & 22160 of 2024

For Petitioners : Mrs.Dakshayani Reddy
Senior Counsel
for M/s.S.Suneetha
For Respondent : Mr.M.Ajmal Khan
Additional Advocate general
Assisted by
Mr.S.Venkatesh
for M/s.Ajmal Associates

W.P.Nos.26487, 26490, 26494, 26495, 26503, 26505, 26506, 26510, 26512, 26514,26515, 26516, 26517, 26519, 26521 of 2024

For Petitioners : Mrs.Dakshayani Reddy
Senior Counsel
for M/s.S.Suneetha
For R1 & R3 : Mr.M.R.Gokul Krishnan
Additional Government Pleader
For R2 : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by



W.P.Nos. 22069 of 2024 and etc batch

Mr.S.Venkatesh
for M/s.Ajmal Associates

W.P.No.26509 of 2024

For Petitioner : Mrs.Dakshayani Reddy
Senior Counsel
for M/s.S.Suneetha
For R1, R3 to R6 : Mr.M.R.Gokul Krishnan
Additional Government Pleader
For R2 : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.S.Venkatesh
for M/s.Ajmal Associates

W.P.Nos.26790, 26795, 26799 of 2024

For Petitioners : Mrs.A.L.Gandhimathi
Senior Counsel
for Mr.L.Palanimuthu
For R1, R, R4, R5 : Mr.M.R.Gokul Krishnan
Additional Government Pleader
For R3 : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.S.Venkatesh
for M/s.Ajmal Associates

**W.P.Nos.26873, 26879, 26881, 26888, 26891 & 26894, 27575, 27578,
27584, 27588, 27589, 27593, 27595 & 27759 of 2024**

For Petitioners : Mr.K.Doraisami,
Senior Counsel
for Mr.Kandhan Duraisami
For R1 & R3 : Mr.M.R.Gokul Krishnan
Additional Government Pleader



W.P.Nos. 22069 of 2024 and etc batch

For R2

:

Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.S.Venkatesh
for M/s.Ajmal Associates

COMMON ORDER

These Writ Petitions have been filed challenging the show cause notice dated 05.07.2024 issued by the respondent, alleging that the petitioners' did not possess the requisite educational qualifications at the time of their appointment as Assistant Professor and accordingly disqualified from continuing in the post.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. All the petitioners were qualified with Master Degree, M.Phil and Doctorate in their respective subjects. They had applied for the post of Lecturers in various subjects and were selected by the Selection Committee. Thereafter, they were appointed to their respective posts during the year 2004.

4. While being so, the Annamalai University Act, 1928 was



W.P.Nos. 22069 of 2024 and etc batch

repealed and the University was taken over by the State Government the enactment of the Annamalai University Act, 2013. Thereafter, the educational qualifications of various employees of Annamalai University were reviewed, and it was concluded that the petitioners did not possess the requisite qualifications as they had not secured 60% marks in their postgraduate degree. All the petitioners had obtained less than 60% marks in their postgraduate degree. Consequently, they were issued show cause notices during the year 2016-2017, raising the issue of their qualifications.

5. All the show cause notices were challenged before this Court in a batch of writ petitions in W.P.No.32822 of 2023 etc batch. This Court, by an order dated 29.02.2024, quashed the show cause notices. The relevant portion of the order reads as follows :-

“8. On perusal of the documents revealed that all the petitioners were qualified with 10+2+3 educational qualification and they also qualified with master degree and M.Phil, Ph.D. All the petitioners were removed only on the ground that they did not obtain 55% marks in their post graduate degree. From the records, it revealed that all the petitioners were obtained 53 to 54% of marks in



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W.P.Nos. 22069 of 2024 and etc batch

their respective post graduate degree.

9. *In the year 2017, the petitioners were issued with show cause notices for not possessing prescribed qualification at the time of their entry in their service. In response, all the petitioners had submitted their reply for the show cause notices. On receipt of the same, the university did not pass any orders. All of sudden, the petitioners were terminated from the service by the impugned orders dated 15.11.2023. Considering the above facts and circumstances of all the writ petitions, this Court granted interim stay and all the petitioners are continuing in their respective posts.*

10. *The learned Senior Counsel appearing for the petitioner in W.P.No.32822 of 2023 relied upon the judgment reported in (1993) 3 SCC 591 in the case of **Dr.M.S.Mudhol and anr Vs. S.D.Halegkar & ors.**, the Hon'ble Supreme Court of India held as follows :-*

“7. Whatever may be the reasons which were responsible for the non-discovery of the want of qualifications of the 1st respondent for a long time, the fact remains that the Court was moved in the matter after a long lapse of about 9 years. The post of the Principal in a private school though aided, is not of such sensitive public importance that the Court should find itself impelled to interfere with the appointment by a writ of quo



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W.P.Nos. 22069 of 2024 and etc batch

warranto even assuming that such a writ is maintainable.

This is particularly so when the incumbent has been discharging his functions continuously for over a long period of 9 years when the court was moved and today about 13 years have elapsed. The infraction of the statutory rule regarding the qualifications of the incumbent pointed out in the present case is also not that grave taking into consideration all other relevant facts. In the circumstances, we deem it unnecessary to go into the question as to whether a writ of quo warranto would lie in the present case or not, and further whether mere laches would disentitle the petitioners to such a writ.”

11. *She also relied upon the another judgment of the Hon'ble Supreme Court of India reported in (2001)3 SCC 328 in the case of **Buddhi Nath Chaudhary and ors Vs. Abahi Kumar & ors.**, which held as follows :-*

“6. The selected candidates, who have been appointed, are now in employment as Motor Vehicle Inspectors for over a decade. Now that they have worked in such posts for a long time, necessarily they would have acquired the requisite experience. Lack of experience, if any, at the time of recruitment is made good now. Therefore, the new exercise ordered by the High Court will only lead to anomalous results. Since we are disposing of these matters on equitable consideration, the



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W.P.Nos. 22069 of 2024 and etc batch

learned counsel for the contesting respondents submitted that their cases for appointment should also be considered. It is not clear whether there is any vacancy for the post of Motor Vehicle Inspectors. If that is so, unless any one or more of the selected candidates are displaced, the cases of the contesting respondents cannot be considered. We think that such adjustment is not feasible for practical reasons. We have extended equitable considerations to such selected candidates who have worked in the post for a long period, but the contesting respondents do not come in that class. The effect of our conclusion is that appointments made long back pursuant to a selection need not be disturbed. Such a view can be derived from several decisions of this Court including the decisions in Ram Sarup vs. State of Haryana & Ors., 1979 (1) SCC 168; District Collector & Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram & Anr. vs. M. Tripura Sundari Devi, 1990 (3) SCC 655; and H.C.Puttaswamy & Ors. vs. The Honble Chief Justice of Karnataka High Court, Bangalore & Ors., 1991 Supp. (2) SCC 421. Therefore, we must let the matters lie where they are.”

Thus, it is clear that those who failed to fulfill the qualification at the time of their joining, now they had worked in such posts for a long time, necessarily they would have acquired the requisite experience.



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W.P.Nos. 22069 of 2024 and etc batch

12. *In fact, all the petitioners herein had completed their doctorate in their respective subject, after joining in their respective posts. They were working in their respective post more than 19-20 years. Therefore, after the period of 19-20 years, the qualification of the petitioner cannot be examined as that would be wholly arbitrary and it violates Article 14 of the Constitution of India. Only on the ground that the petitioners were not possessed requisite qualification at the date of their appointment, they were terminated from their respective service. Therefore, the delay cause by the university cannot be put against the petitioners and this belated point of time disabling them from continuing in service.*

13. *The Hon'ble Division Bench of this Court, while confirming the order passed by the learned Single Judge of this Court in **W.A.Nos.3066 & 3235 of 2019** by an order dated **23.09.2019** in the case of **The Director of School Education and ors Vs. S.Aruna** held as follows :-*

“24. As stated supra, while considering the decisions relied on by the learned counsel for both parties, writ Court has observed that the respondents herein were appointed as B.Sc. Mathematics teachers, on 22.02.2006 and 01.03.2006 respectively, and after a decade, taken for ascertaining the educational qualifications, precisely 12 years, vide order dated 14.09.2016 cancelled the appointments, on the basis of



W.P.Nos. 22069 of 2024 and etc batch

clause Nos.19 and 20 of the orders of appointment.

25. As stated supra, during the interregnum period one of the respondents Mrs.V.Premakumari [WA.No.3235 of 2019], has cleared B.Sc. Mathematics. As of now, another respondent S.Aruna, in WA No.3066 of 2019, would complete her degree in Mathematics in 2020.

26. Even in the decision, Sukh Bilash Thakur's case [quoted supra] relied on by Ms.Dakshayani Reddy, learned counsel for the respondent in WA No.3066 of 2019, the Hon'ble Supreme Court while finding that there was no case of suppression or fraud, interfered with the order of reversion of the appellant therein and since the appellant therein viz., Sukh Bilash Thakur, had retired from service, while setting aside the order of reversion, the Hon'ble Supreme Court directed pensionary and other retiral benefits be paid to the appellant therein with interest.

27. It is not the case of the appellants that the respondents have misrepresented, at the time of securing appointment. Allegation of malpractice has not been substantiated. There is an inordinate delay of 12 years in verifying the details of the educational qualifications. Performance of the respondents were found to be good, to be precise, it is more than 100% in subject mathematics, for the last five years. By considering the decisions of the Hon'ble Supreme Court and on the facts and



W.P.Nos. 22069 of 2024 and etc batch

circumstances of the case, writ Court has rightly rejected the contention of the appellants herein and issued directions to reinstate the respondents in service and grant them all consequential monetary and attendant benefits to which the respondents are entitled.”

14. Further it is not a case of the respondents that the petitioners had misrepresented and there is a suppression or fraud committed by the petitioners at the time of their selection. The petitioners did not suppressed anything or produced any fraudulent documents. They possessed requisite qualification but not fulfilled the requirement viz., 55% of marks in their post graduate degree. All the petitioners are having 53 to 54% of marks in their respective post graduate degree. Thereafter after the period of 19 to 20 years, it cannot be said that they did not possess requisite qualification.

15. That apart, admittedly no enquiry was conducted and no opportunity was given to the petitioners before passing the orders of termination of the petitioners, from their respective service. Though they were served with show cause notice in the year 2017, and on receipt of the explanation submitted by the respective petitioners, no order has been passed to conduct enquiry. They were not served with any charge memo and no enquiry was conducted before passing the order of termination. Therefore, it is clear violation of principles of nature



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W.P.Nos. 22069 of 2024 and etc batch

justice. The action of the respondents highly unjust, unsustainable and arbitrary.

16. In view of the above discussions, the orders impugned in all the writ petitioners cannot be sustained and liable to be quashed. Accordingly, all the impugned orders dated 15.11.2023 passed by the Registrar, Annamalai University, are hereby quashed. However, the respondents are at liberty to issue fresh show cause notice and proceed with disciplinary proceedings as against the petitioner, in the manner known to law, if so advised.”

6. Though this Court quashed the earlier show cause notices, the respondents were given liberty to issue fresh show cause notices on the ground that the petitioners were terminated from service without conducting any enquiry and without giving any opportunity of hearing. Therefore, this Court gave a liberty to the respondents to issue fresh show cause notices. In view of the liberty granted by this Court, the respondents once again issued show cause notices to the petitioners on 05.07.2024.

7. A perusal of the show cause notices reveals that it is nothing but a verbatim repetition of the earlier show cause notices which were already quashed by this Court. The only addition in the present



W.P.Nos. 22069 of 2024 and etc batch

notice is a paragraph referring to the Judgment of this Court and stating that the petitioners did not possess the requisite educational qualifications at the time of their appointment to the post of Assistant Professor and accordingly disqualified from continuing in the post.

8. That apart, a perusal of the counter affidavit filed by the respondent, as well as the submissions made by the Additional Advocate General, reveal that though all the petitioners are not possessing the minimum eligibility criteria prescribed by the UGC/AICTE, at the time of their respective appointments as Lecturers, they had fulfilled the then prescribed minimum educational qualifications and were eligible for appointment from the date of award of their respective Ph.D degrees. In fact, the services of the petitioners had already been regularized from the date of award of their M.Phil/Ph.D. Their pay was accordingly refixed

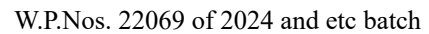
under the 6th Pay Commission and was subsequently placed at the corresponding levels under the 7th Pay Commission. Therefore, this Court had already quashed the show cause notices on the ground that the petitioners had been serving in their respective posts for more than 19 to



W.P.Nos. 22069 of 2024 and etc batch

20 years. After a lapse of nearly two decades, reopening the question of their qualification would be wholly arbitrary and it violates of Article 14 of the Constitution of India.

9. In fact, only on the ground that the petitioners did not possess the requisite qualification on the date of their appointment, they were caused show cause notices and were terminated from service. There was no suppression or fraud committed by the petitioners at the time of their selection. They never suppressed any fact nor produced any fraudulent documents to prove their requisite qualification for appointment to the post of Lecturers. They possessed the requisite qualifications, however, they did not fulfill the requirements of securing 60% marks in their postgraduate degree. All the petitioners had secured less than 60% marks in their respective postgraduate degree. Therefore, after a lapse of nearly 20 years, it cannot now be said that they did not possess the requisite qualification. After joining in their respective post, they were qualified with Ph.D and fulfilled all requisite qualifications and their services were also regularized. Therefore, the present impugned show cause notices are nothing but clear ultra vires and it cannot be sustained from any angle.



11. In the result, all the writ petitions are allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

The Registrar (Incharge),
Annamalai University,
Annamalai Nagar,
Chidhambaram – 608 002.



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W.P.Nos. 22069 of 2024 and etc batch

G.K.ILANTHIRAIYAN, J.

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W.P.Nos.22069 of 2024 and etc batch



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W.P.Nos. 22069 of 2024 and etc batch

31.10.2025