



WEB COPY

WP No. 32617 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

**WP No. 32617 of 2018
and W.M.P.No.32820 of 2018**

1. Dr.K.Palanisamy
S/o.Kasi Thevar, No.178, 45th street,
T.V.S.Colony, Anna Nagar (West
Extension), chennai 600 101 Chennai

Petitioner(s)

Vs

1. The Registrar
University of Madras, Chepauk,
chennai 600005Chennai

2.University constituent college
University of Madras Arts and science
college, Thriuvottiyur, chennai 600019

Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to call for the records pertaining to the proceedings of the 1st respondent in proceedings NIL dated 2.7.2018 and to quash the same as illegal, incompetent and ultravires.



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WP No. 32617 of 2018



For Petitioner : Mr.G.Arumugaraja

For Respondent(s): Mr. A.S.Vijayaragavan
Standing Counsel For R1 And R2

ORDER

This writ petition has been filed to quash the records pertaining to the proceedings of the 1st respondent in proceedings NIL dated 2.7.2018.

2. The petitioner has joined as Assistant Professor in the Department of Political Science at L.N.Government College, Ponneri in the year 2007. On 27.02.2014 the respondent University issued a notification calling for the application for the post of Principal in the second respondent college. The petitioner was found to be fully qualified and he was selected to the post of Principal and was given with the appointment order on 19.05.2014.

3. All of a sudden the first respondent University has passed a resolution on 19.04.2018 to revert the petitioner to the post of Assistant Professor stating that the petitioner's appointment to the post of Principal was objected during the audit. It is stated that the audit has raised objection that the petitioner did not have requisite qualification at the time when he was appointed as Principal to the second respondent college. The petitioner has filed a writ petition in W.P.No.11696/2018 for seeking appropriate orders in pursuant to the resolution dated 19.04.2018. In the said order the resolution dated 19.04.2018 has been ordered to be kept in abeyance until an opportunity is given to the petitioner to



submit his explanation on the audit objection and then to take a decision. The petitioner gave a representation on 29.05.2018 and the first respondent passed a resolution on 02.07.2018 by rejecting the representation. Thereafter, the petitioner was transferred and posted as Assistant Professor at one of the University Department / Institute of Distance Education.

4. Mr.G.Arumugaraja, the learned counsel for the petitioner, submitted that the petitioner has been appointed only after being found to be fulfilling all the qualification required for the post of Principal.

5. As per the appointment notification for the post of Principal (Grade – II) the following qualifications have been prescribed:

(i) A Master degree with at least 55% of marks or its equivalent grade 'B' in the seven point scale

(ii) Ph.D or equivalent qualification

(iii) A minimum total experience of 10 years of teaching / research in Universities / Colleges and other institutions of Higher Education.”

6. So far as the first two qualification requirements are concerned there is no dispute. But it is claimed by the first respondent University that as per UGC Regulation, 2010, the total teaching experience required is for 15 years and not 10 years. The petitioner is said to have completed 13 ½ years of service at the



time of his appointment. The petitioner has also produced a letter sent by the petitioner to the Principal of Ramakrishna Mission Vivekananda College, Chennai on 18.08.2016 wherein it is stated that the first respondent is following the UGC's Regulation to its amendment 2009 for granting approval of qualification for the post of Assistant Professors. According to the petitioner the recruitment has been done only under UGC Regulation, 2010 which was adopted by the respondent University at the time when he was appointed. As the petitioner's appointment relates back to 19.05.2014, he claims that his appointment is very much in order and there is no violation of Rules.

7. The respondents have filed their counter in which it is stated that the petitioner's 13 ½ years qualification has been accepted. If the respondent college follows UGC Regulation, 2010 then the notification called for the application to the post of Principal to the second respondent college ought to have been prescribed 15 years of teaching experience as the eligibility criteria.

8. The petitioner had not suppressed any material information at the time of his appointment and he was made to believe that 10 years experience is sufficient for the post of Principal and accordingly he was selected and the appointment order has also been issued. Having allowed him to function for a period of four years, all of a sudden in the year 2018 an order has been passed stating that the petitioner did not have the required qualification for the post and that the University is following UGC Regulation, 2010.



9. Mr.A.S.Vijayaragavan, the learned Standing Counsel for the respondents, submitted that the audit objection was raised even on the year the petitioner was appointed i.e. 2014-2015, and the then Administrators of the University did not take serious action and the Syndicate has taken decision to relieve the petitioner from the second respondent college and the posted him as Assistant Professor. On 29.06.2018 the petitioner has been given with the post of Assistant Professor in the Institute of Distance Education but he had not chosen to join the post. In pursuance to the order passed in the Writ Petition in W.P.No.32617/2018 dated 02.07.2018 the petitioner resumed to the post of Principal in the second respondent college. Again the petitioner was relieved from the post of Principal on 04.01.2019 after the disposal of the writ appeal.

10. Even if it is presumed that the University had followed 2010 Regulations and expected a person who has 15 years of experience to act as Principal of the second respondent College, the petitioner had very much possessed the said experience at the time when he was relieved in the year 2018 & 2019 respectively. According to the petitioner he has fulfilled the eligibility requirement at the time of selection and hence he should not be prevented to hold the post of Principal. It is submitted that the petitioner has been in long unauthorised leave from 21.04.2018 and action was proposed to be initiated against him.



11. The petitioner has 15 years of service at the time of his reversion and even according to the Regulation, the minimum experience is 15 years of qualification. But that was not considered by the respondent University and even the petitioner did not chose to join to the post which was offered to him and he continues to be absent. Hence, in view of the long absence of the petitioner and the subsequent developments, it is appropriate for the first respondent University to consider the representation for the petitioner and pass orders in view of the above observation.

12. Accordingly, this writ petition is disposed and the first respondent is directed to consider the representation of the petitioner dated 29.05.2018 and pass orders in view of the observations made in this order, within a period of six weeks from the date of receipt of a copy of this order. No costs.

06-03-2025

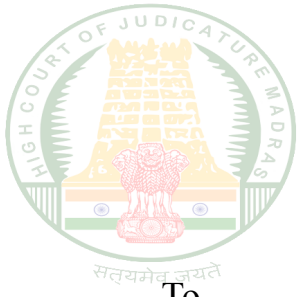
Index: Yes/No

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Neutral Citation: Yes/No

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WP No. 32617 of 20



To
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1. The Registrar
University of Madras, Chepauk,
chennai 600005 Chennai



WEB COPY

WP No. 32617 of 2018



R.N.MANJULA J.

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WP No. 32617 of 2018

06-03-2025