



W.A.(MD)No.169 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.169 of 2023
and
C.M.P.(MD)No.2177 of 2023
and
C.M.P.(MD)No.911 of 2025**

The Registrar,
Annamalai University,
Chidamdabaram.

... Appellant

Vs.

1.S.Thiruvengkata Ratnam

2.The Director,
Directorate of Distance Education.
Srirangam, Trichy District.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.9794 of 2018 dated 16.03.2022 on the file of this Court.



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For Appellant : Mr.Ajmalkhan, Senior Counsel,
For M/s.Ajmal Associates.

For Respondents : Mr.B.Saravanan, Senior Counsel,
For Mrs.S.Vijayashanthi for R1.
Mr.N.Satheeshkumar,
Addl. Government Pleader for R2.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard the learned senior counsel for the appellant, the learned senior counsel for the first respondent and the learned Additional Government Pleader for the second respondent.

2.The writ petitioner was appointed as Special Officer in Annamalai University vide order dated 18.02.2011. He was reverted to the post of Lab Attender vide order dated 03.04.2014 pursuant to the Syndicate's resolution. Challenging the same, he filed W.P.(MD)No.9794 of 2018. The learned Single Judge vide order dated 16.03.2022 allowed the writ petition in the following terms:-

“9.In the above case the Madurai Kamaraj University has categorically stated in the prospectus that Introduction Course is not equivalent to VIII standard. But applying the analogy stated in



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2008 (3) MLJ 212 S. Rajkumar Vs. Chairman, Tamil Nadu Electricity Board, it has held that Introduction Course can be treated equivalent. But subsequently the issue was settled by the Equivalency Committee that the Introduction Course is not equivalent to VIII standard, Pre-Foundation Course is not equivalent to SSLC and Foundation Course is not equivalent to plus two course. But until 2009 the courses were considered as equivalent. This Court in Mohamed Hasan Refayee referred supra has held those who obtained a degree under Open University System after passing the Pre-Foundation Course and two year Foundation Course without passing 10th and 12th cannot be considered after the issuance of G.O.(Ms)No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2009, since the said G.O. is in consonance with the Orders of Supreme Court of India. However the above clarification was followed from the date of issue of G.O.(Ms)No.107. Any government orders ought to be implemented from the date of the issue of the order unless it is given retrospective effect in the government order itself.

10. Therefore, in order to settle the entire issue to rest this Court is of the considered opinion that any qualification which is not in consonance of UGC Regulations, after the issuance of G.O. (Ms)No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2009 can be considered as not qualified. But any qualification or any method of qualification prior to the G.O.Ms.No.107 dated 18.08.2009 can be considered for appointment/promotion. This Court is of the considered opinion



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that if any cut off date is given, the issue can be settled. Therefore this Court is of the considered opinion that the date of G.O. Ms. No. 107 i.e. 18.08.2009 shall be taken as cut off. Any person qualified on or after 18.08.2009 as per UGC Regulations and Government Orders alone will be considered for appointment and promotion. However any person qualified as per the Government Orders prevailing prior to 18.08.2009 and appointed shall be shown some leniency.

11. The Annamalai University was maladministered and the government had taken over the University. On 04.04.2013 to standardize the Administration of the University, an IAS officer was appointed. Taking all these factors into consideration this Court is of the considered opinion that the petitioner deserves consideration. Therefore, the respondents are directed to confer the Special Officer post to the petitioner and grant all consequential benefits to the petitioner and the order shall be implemented within a period of four weeks from the date of receipt of the copy of the order.”

Aggrieved by the same, university has filed this writ appeal.

3.The learned Single Judge accepts that the issue on hand will be governed by G.O.(Ms)No.107 Personnel and Administrative Reforms Department dated 18.08.2009. If the said government order is taken as the cut of date, then any appointment made subsequent to the government



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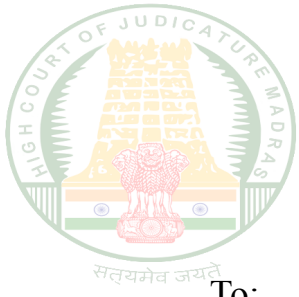
order will have to go. Merely because the writ petitioner obtained qualification before G.O.(Ms)No.107 dated 18.08.2009, the writ petitioner cannot escape from the resulting consequences. In fact, we would rest reasoning on a solitary ground. The writ petitioner was reverted to the post of Lab Attender on 03.04.2014. He filed writ petition questioning the reversion only in April 2018. There is delay of more than four years. It appears that the writ petitioner accepted the reversion order. Therefore, the writ petitioner ought to have been non-suited on the ground of laches. It is true that the writ petitioner had subsequently passed 12th standard. These are matters in which an indulgent view can be taken either by the management or by the government. The Writ Court will have to necessarily apply only legal parameters.

4.In this view of the matter, the order passed by the learned Single Judge is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (K.R.S. J.)
04.07.2025

NCC : Yes/No
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To:
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The Director,
Directorate of Distance Education.
Srirangam, Trichy District.



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