



WEB COPY

WP No. 34304 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.03.2026

PRONOUNCED ON : 01.04.2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 34304 of 2025

AND

WMP NO. 38454 OF 2025, WMP NO. 38455 OF 2025

K.Nagalakshmi

D/o. Nkuppusamy, Associate Professor, Psychology
Department, Annamalia University, Chidambaram

..Petitioner(s)

Vs

1. The Registrar

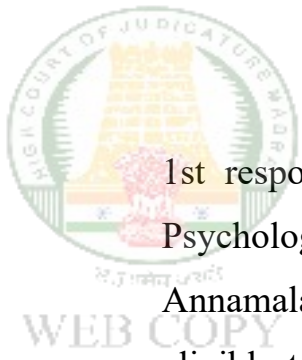
Annamalai University, Annamali Nagar,
Chidambaram, Cuddalore

2. Dr J M Asgarali Patel

S/o. Mohamed Mubharak, Department Of
Psychology, Annamalai University, Annamalia
Nagar, Chidambaram, Cuddalore

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus call for records of university order no. 475/ 2025(C) dated 03.09.2025 passed by the 1st respondent appointing the 2nd respondent as Head of department psychology Annamalai university quash the same and consequently direct the



1st respondent to appoint the petitioner as Head of the Department of Psychology at Annamalai University in accordance with section 46 of the Annamalai University Act 2013 and the established rotation among eligible teaching faculty pass such further or others as this honourable court may deem fit and proper in the circumstances of the case.

For Petitioner(s): Mr.K.S.Viswanathan, Senior Counsel for
Ms.T.Dharani

For Respondent(s): Ms.H.Mary Sowmi Rexi for M/s.Isaac
Chambers, for R.1

Ms.Dhakshyani Reddy, Sr. Advocate,
Assisted by
M/s.S.Suneetha

ORDER

This Writ Petition has been filed challenging the order dated 03.09.2025 passed by the 1st respondent appointing the 2nd respondent as a Head of the Department of Psychology (hereinafter referred to as 'HoD' for the sake of brevity) in accordance with Section 46 of the Annamalai University Act 2013 (herein after referred to as the "Act").

2. The short facts which has resulted in the filing of the above Writ Petition are as follows:-



WEB COPY

2.1. It is the contention of the petitioner that she has been serving the 1st respondent University since 19.02.2001. In the year 2018, she was promoted as an Associate Professor and she has to her credit 24 years of continuous and meritorious service. The petitioner would submit that she is fully qualified and eligible for appointment as HoD as per Section 48 of the Act.

2.2. The petitioner would submit that on a rotational basis, she had been appointed as HoD in compliance with directions issued by the Tamil Nadu Higher Education Department vide letter No.2503/K2/2024-16 dated 22.05.2025. This letter mandated that the post of HoDs should be filled on a rotational basis once in every three years and that a list of such appointments be submitted to the Government. The petitioner would submit that contrary to this rule, by the impugned order dated 03.09.2025, the 2nd respondent was arbitrarily appointed as HoD without issuing any notice to the petitioner and without affording her an opportunity of hearing, both of which are contrary to the orders passed by this Court in W.P. No. 19968 of 2025.

2.3. The petitioner submitted that the 2nd respondent had already served a full tenure as HoD from 24.07.2019 to 24.07.2022 and therefore he cannot be



reappointed without selecting from the other eligible faculty members, such as the petitioner. Earlier orders of this Court, as well as judgments of other courts, clearly indicate that the position of HoD is a notional appointment and not a promotion, and should therefore be filled on a rotational basis so that all eligible candidates have the opportunity to learn the nuances of administration.

2.4. The petitioner's contention is that, as per Section 46 of the Act, the teaching departments of the University follow a three-tier structure in the teaching faculty, as follows:-

- (i) Professors,
- (ii) Readers (Associate Professors)
- (iii) Lecturers (Assistant Professors)

2.5. The position of HoD is offered on a rotational basis across the three tiers of the teaching faculty. However, contrary to this settled rule, the 2nd respondent has been appointed as HoD that too without following the directions passed in WP.No.19968 of 2025 dated 27.06.2025. Therefore, the petitioner is before this Court.



3. Since the issue involved in the case on hand is purely one of interpretation of the Act and the existing rules, arguments have been advanced by both the 1st and the 2nd respondents and no counter has been filed by them.

4. The learned Senior Counsel appearing on behalf of the petitioner would submit that the Secretary to Government, Higher Education Department, in his letter dated 22.05.2025, had enclosed the minutes of the meeting held with the Registrars of all Universities under the aegis of the Higher Education Department on 15.05.2025, in which one of the items of the agenda was as follows:-

“The Secretary to Government instructed the Registrars to identify those Heads of Departments in Universities who are serving as HoDs in the same Department for more than 3 years and to furnish the list to the Government. He also instructed the Registrars to appoint the faculty in the post of HoD on rotation basis for every 3 years.”

5. The learned Senior Counsel would submit that Section 46 of the Act provides for the appointment of the HoD on a rotational basis and provides that a person may hold the post of HoD for a period of three years. He would submit



that this issue had been considered by this Court in WP.No.14940 of 2015 wherein the learned Judge of this Court by order dated 22.04.2016 had upheld the appointment of HoD on a rotational basis. He would further submit that the University has been adopting the rotational basis of appointment and has also earlier appointed Associate Professors to the post of the HoD. In fact, it is his argument that when the 2nd respondent was appointed as HoD, he was holding the post of Associate Professor. He further submitted that, as on date, the 2nd respondent does not hold the post of Professor. For these reasons, he sought to have the impugned order set aside.

6. Per contra, Ms.Dhakshyani Reddy, learned Senior Counsel appearing on behalf of the 2nd respondent would submit that the proviso to Rule 46 makes it very clear that an Associate Professor or an Assistant Professor can be appointed as HoD only in circumstances where there is no Professor. In the case on hand, the 2nd respondent is a Professor and therefore the petitioner cannot be considered for appointment to the post of HoD and therefore the order impugned cannot be called into question. She would further submit by order dated 27.06.2025 in W.P.No. 19968 of 2025, the learned Judge had remitted the matter back to the 1st respondent for fresh consideration in accordance with the Rules and the order passed in W.A. No. 1807 of 2022, and also by following the due process of law. It is her contention that, by virtue of the order passed in



W.A. No. 1807 of 2022 dated 13.07.2023, the 2nd respondent has been promoted to the post of Professor. Therefore, she submitted that there is no infirmity in the impugned order and sought to have the Writ Petition dismissed.

7. The learned counsel appearing on behalf of the 1st respondent would more or less adopt the same arguments.

8. Heard the rival submission, perused the affidavit and the documents filed along with the Writ Petition.

9. The petitioner who is an Associate Professor had been appointed as the HoD vide University Order No.225/2025 (C) dated 20.05.2025 and a copy of the said order had also been forwarded to the 2nd respondent herein. The Secretary to the Government, Higher Education Department, had held a meeting with the Registrars of all Universities under the aegis of the Higher Education Department on 15.05.2025. One of the items in the agenda for discussion in the said meeting related to the identification of persons functioning as HoDs in Universities for over three years in the same department and to furnish the list to



the Government. In the said meeting, the Registrars were also instructed to appoint faculty to the post of HoD on a rotational basis for every three years.

WEB COPY

10. The 2nd respondent herein had been appointed as HoD on 24.07.2019 for a period of three years, which ended on 24.07.2022. At the time of his appointment as HoD, he was only an Associate Professor. Subsequently, the 2nd respondent and others had filed a batch of Writ Petitions seeking promotion to the post of Professor under the Career Advancement Scheme (CAS). These Writ Petitions were dismissed, and the same were challenged by the 2nd respondent and others in W.A.No. 1807 of 2022, etc. batch.

11. By order dated 13.07.2023, a Division Bench of this Court, after considering the arguments, relevant rules, and judgments in this regard, ultimately held that the appellants therein, including the 2nd respondent, are entitled to dual promotion, provided they fulfil the eligibility criteria mentioned in the UGC Regulations. The Court further held that they cannot be denied the right to be considered for promotion due to inaction or failure on the part of the respondent University in conducting CAS promotions by constituting the Scrutiny-cum-Evaluation Committee. It was also made clear that the failure on the part of the appellants for not having worked as an Associate Professor for



the required number of years would not stand in the way of their being promoted to the post of Professor.

WEB COPY

12. It appears that since the orders were not complied with, a Contempt Petition was filed. When the Contempt Petition was taken up for hearing on 28.03.2024, it was reported to the Court that the order dated 21.03.2024 had been complied with. Recording the same, the Contempt Petition was closed.

13. A perusal of University Order No. 225 of 2025, dated 20.05.2025, indicates that the 2nd respondent, who is described as an Associate Professor and Co-ordinator of the Psychology Wing, Centre for Distance & Online Education, was appointed as Head (i/c) of the Department of Psychology for a period of three years from the date of joining duty. He was directed to take charge, and was also transferred and posted to work as an Associate Professor in the Department of Psychology with immediate effect. The then Head, Associate Professor and Head (i/c) of the Department of Psychology, Dr. K. Govind, was directed to hand over the charge of the Head of the Department to the 2nd respondent.



14. However, it appears that on 01.06.2025 by University Order No.267/2025 (C) dated 01.06.2025, the petitioner herein was appointed as Head (i/c) of the Department of Psychology with immediate effect. This appointment was challenged by the 2nd respondent by way of a WP.No.19968 of 2025 which gave rise to the following orders:-

“Recording the submission of the learned Standing Counsel appearing for the first respondent, the impugned order dated 01.06.2025 is set aside. The matter is remitted back to the first respondent for fresh consideration in accordance with Rules and also in accordance with the order passed in W.A.No.1807 of 2022 and also by following due process of law.”

15. Therefore, from a perusal of the order passed in W.P. No. 19968 of 2025, dated 27.06.2025, it is evident that this Court had contemplated that a fresh enquiry should be conducted by the 1st respondent, in which both the petitioner as well as the 2nd respondent were to be heard before passing any order. However, without conducting an enquiry, the order now impugned, dated 03.09.2025, was passed without issuing any notice to the petitioner or the 2nd respondent, and without affording them an opportunity of hearing. Therefore, the impugned order is not in consonance with the order passed in WP.No.19968



of 2025. Further, the argument of the learned Senior Counsel appearing on behalf of the 2nd respondent that an Associate Professor and Assistant Professor cannot be considered for appointment to the post of HoD cannot be countenanced for the reason that a reading of Section 46(2) of the Act would indicate the following:-

“(2) It shall be open to a Professor or an Associate Professor or an Assistant Professor to decline the offer of appointment as Head of the Department.”

16. A reading of the above would clearly imply that both Associate Professor and Assistant Professor can also be considered for appointed as HoD. That apart, the 2nd respondent himself was an Associate Professor when he was appointed as HoD and further in various Departments Associate Professors have been appointed as HoD despite their being a Professor available in the said Department. Therefore, the said argument has to fail particularly when Rule 46 (3) prescribes that a person cannot be appointed as a HoD for over a period of 3 years and he is entitled to re-appointment.

17. In the light of the above discussions, since the 2nd respondent has been appointed without following the dicta of the earlier Writ Petition, this Writ



Petition is allowed. The impugned order is set aside and the matter is remitted back to the 1st respondent for fresh consideration. The 1st respondent shall follow the directions passed in W.P. No. 19968 of 2025, consider the appointment of the petitioner afresh with effect from 01.06.2025, give due opportunity of hearing to both the petitioner and the 2nd respondent, interpret Section 46(1), (2), and (3), as well as the order passed in W.A. No. 1807 of 2022, and thereafter pass appropriate orders within 4 weeks from the date of receipt of a copy of this order. Considering the fact that the 2nd respondent is currently holding the post of HoD pursuant to the impugned order, he shall not be disturbed till orders are passed by the 1st respondent. No costs. Consequently, the connected Miscellaneous Petitions are closed.

01.04.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR

To

1. The Registrar

Annamalai University, Annamali Nagar,
Chidambaram, Cuddalore



WEB COPY

WP No. 34304 of 2



P.T.ASHA J.

SHR

**WP No. 34304 of 2025
AND
WMP NO. 38454 OF 2025, WMP NO. 38455 OF 2025**

01.04.2026

Page 13 of 13