

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.01.2007

CORAM

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.NO.3169 of 2007

S.Ramesh

..

Petitioner

Vs.

1.The Registrar,
University of Madras,
Chepauk,
Chennai-600 005.

2.R.Jaganathan

... Respondents

This writ petition has been preferred under Article 226 of the Constitution of India praying for the issue of a writ of declaration, declaring the appointment made by the first respondent appointing the second respondent as Reader on 09.08.2004 as null and abinito void in the Department of Geography, University of Madras.

For Petitioner : Mr.G.C.Santhana Krishna

For Respondent : Mr.Kandavadivel Doraisami for R1

ORDER

The writ petitioner challenges the appointment of the second respondent in the first respondent university as Reader in the Department of Geography and the said appointment was made as early as on 09.08.2004. The main ground urged on behalf of the petitioner is that the second respondent was not having required qualification. The learned counsel for the petitioner would also admit that the second respondent is also having Ph.D qualification.

2.The learned counsel for the petitioner would submit that the second respondent was working as Cartographer in the first respondent university from 2001 onwards. The case of the petitioner is that the second respondent should have 5 years experience as Cartographer at the time of appointment i.e. on 09.08.2004 and he was not having 5 years experience even though

he has got Ph.D qualification at the time of appointment. The learned counsel would also submit that even though the second respondent is holding the post of Cartographer in the first respondent university, he does not know anything about Cartography and it is infact the petitioner who has been teaching about the subject to him.

3.It is also admitted by the learned counsel for the petitioner, that the petitioner has filed W.P.NO.19498/2004, when the second respondent was about to be appointed as Reader, for a writ of mandamus forbearing the first respondent university from appointing the second respondent as Reader in the Department of Geography. This Court by an order dated 14.09.2006 dismissed the said writ petition on the ground that the appointment was made as early as on 9.8.2004 and therefore it is always open to the petitioner to work out his remedy known to law.

4.On the other hand, it is admitted by the learned counsel for the petitioner that the petitioner is not having Ph.D. qualification for being considered as Reader but he is having Post graduate degree in Geography with certificate in National Eligibility Test. It is the case of the petitioner that he has not completed Ph.D. but he has submitted his papers. It remains the fact that the petitioner has not been awarded Ph.D by the university. As on date, the petitioner is not having necessary qualification for the post of Reader.

5.The learned counsel for the petitioner would submit that the petitioner is eligible for the post of Lecturer and for the post of Reader master degree of the concerned subject along with National Eligibility Test is sufficient and inasmuch as the petitioner is having Post Graduate Degree in Cartography and having National Eligibility Test certificate he is eligible to be considered for the post of Reader. It remains the fact that in the present case that the appointment is by way of direct recruitment by which selection was done as early as on 2004 for the post of Reader and admittedly on the date when the university issued advertisement for the post of Reader the petitioner was not eligible. However, the writ petition is filed on the surmises that the second respondent is not having sufficient qualification and therefore as a student studying in the first respondent university he has got every right to question the appointment of the second respondent.

6.On the other hand the learned counsel who has taken notice on behalf of the first respondent university would submit that the petitioner is in the habit of filing case after case in this Court whenever appointment is made in the said Department of the University.

7.The learned counsel appearing for the first respondent university brought to the notice of this Court the Madras University Act, 1923 and Laws of the University (Statutes & Ordinances) in which it states about the qualification for the post of Reader. In Chapter IX clause 6(ii) of the Statutes and Ordinances reads as follows;

Reader:(i) Good academic record with a doctoral degree or equivalent published work, addition to these, candidates who join from outside the University system, shall also possess atleast 55% of the marks or an equivalent grade of B in the 7 point scale, with letter grades O, A, B, C, D, E and F at the Master's degree level.

ii)A Master degree with at least 50% of marks or its equivalent grade 'B' in the seven point scale.

iii)Good academic record with a Ph.D. Degree or equivalent published

iv) 5 years of experience of teaching and /or research excluding the period spent for obtaining the research degrees and has made some measure in the areas of scholarship as evidenced by quality of publication/contribution to educational innovation, design of new courses and curricula.

Therefore the necessary requirement for the post of Reader is Ph.D. Apart from this, 5 years of experience of teaching and/or research excluding the period spent for obtaining the research degrees and has made some measure in the areas of scholarship as evidenced by quality of publication/ contribution to educational innovation, design of new courses and curricula.

8.In view of the above said facts, the second respondent is having the required qualification for the post of Reader. I am of the considered view that the contention raised by the petitioner as if the second respondent has not qualified is unsustainable. In any event the writ petition is not maintainable for the simple reason that the petitioner has no locus standi at all to file this writ petition. Admittedly the petitioner has not qualified to be considered for the post of Reader and it is not known how this writ petition is maintainable in the above circumstances since the appointment of the second respondent which has been made as early as on 9.8.04 is now challenged after two years. The only reason given is that while dismissing the

W.P.No.19498/04 filed by the petitioner this Court granted liberty to the petitioner to work out his remedy known to law and therefore according to him he has got the right to challenge the appointment order. I do not accept the contention raised on behalf of the petitioner in this regard. It is also not open to the petitioner to file a writ petition challenging the appointment of the second respondent which has been made as early as on 2004 and the same is totally misconceived and liable to be dismissed. In view of the same, the writ petition fails and the same is dismissed with cost of Rs.10,000/- (Rupees ten thousand only) to be paid by the petitioner to the first respondent university.

jikr

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Registrar,
University of Madras,
Chepauk,
Chennai-600 005.

+ 1 cc to Mr. G. C. Santhana Krishna, Advocate SR No. 5377

MDR (CO)
SR/9.2.2007

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