

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.22065 of 2016 and
WMP Nos.18957 and 18758 of 2016

V.Mariappan

Bharat People Protection Council (BPCL)

No.16, Fathimaa Nagar,

Karaikal - 609 602

U.T.Puducherry

..Petitioner

Vs

1.The Secretary to Govt., (Higher Education)

Secretariat, Government of Puducherry

Puducherry

2. The Director,

Directorate of Higher and Technical Education,

Government of Puducherry

Puducherry

3. All India Council for Technical Education,

Rep. By its Member Secretary,

Chanderlok Building, 7th Floor,

Janpath, New Delhi - 110001

4. Perunthalaivar Kamarajar Institute of

Engineering and Technology,

Rep. By its Principal,

Nedungadu, karaikal, U.T.Puducherry - 609 603

5. Dr.A.Kumar

Principal,

Perunthalaivar Kamarajar Institute of

Engineering and Technology, Nedungadu,

Karaikal, Puducherry - 609 603

...Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Quo-Warranto questioning under what authority the 5th respondent herein is

holding the post of Associate Professor, Department of Computer Science and Technology, Karaikal, Puducherry UT, in view of lack of required educational qualifications as per AICTE Regulations 2010 and Recruitment Rules framed in this regard and holding the post of Principal-in-charge, in Perunthalaivar Kamarajar Institute of Engineering & Technology, Nedungadu, Karaikal, Puducherry.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.R.Venkatesh,

Government Advocate for R1 and R2

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Quo-Warranto by questioning under what authority, the 5th respondent herein is holding the post of Associate Professor in the Department of Computer Science and Technology, Karaikal, Puducherry Union Territory, in view of lack of required educational qualifications as per AICTE Regulations 2010 and Recruitment Rules framed in this regard and holding the post of Principal-in-charge, in Perunthalaivar Kamarajar Institute of Engineering & Technology, Nedungadu, Karaikal, Puducherry.

2. According to the petitioner, the 5th respondent has acquired Bachelor Degree in Mathematics, whereas the required qualification is Bachelor Degree in Engineering / Technology. Further, the actual requirement is First class in Bachelor's and Master's Level Degree in Engineering / Technology. However, the 5th respondent does not possess the basic qualification for the post of Principal, but, managed to get an appointment from the Department of Higher Education. Hence, the said action of the respondents 1 and 2, is against the statutory regulations framed by AICTE and therefore, the 5th respondent cannot be allowed to hold the post of Principal at the said college and hence, he has come forward with this Writ Petition seeking the above mentioned relief.

3. The learned counsel for the petitioner submitted that earlier a Writ Petition in W.P.No.3272 of 2012 was filed before this Court, challenging that the incumbent therein to the post

of Director of Public Libraries does not possess the required qualification as prescribed in the Adhoc Rules and this Court, after considering the pros and cons, allowed the Writ of Quo-Warranto. He further submits that in any event, the 5th respondent is not eligible to hold the post of Principal in the said college and submits that the present Writ Petition is maintainable. He would also contends that this Court, earlier in W.P.No.17296 of 2016 dated 04.05.2016 had directed the 1st respondent therein to consider the representation of the petitioner dated 14.10.2015, however the same has not been considered.

4. Mr.R.Venkatesh, learned Government Advocate appearing for the respondents 1 and 2 would submit that the appointment of the 5th respondent is completely in tune as per AICTE Norms and there is no violation.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2 and perused the materials placed before this Court.

6. This Writ Petition cannot be entertained for the simple reason that the petitioner challenges the qualification of the 5th respondent, who is a Professor. The 5th respondent has been appointed way back in the year 2007 as Professor. In fact, the 5th respondent has acquired the qualification of Under Graduation in the branch of Mathematics & Chemistry as on 13.10.1983. Thereafter, completed his Post Graduation in Mathematics on 05.11.1986. Further, he finished his M.Tech in Computer Science and Engineering as early as on 05.02.2000. Thereafter, he completed M.Phil in Computer Science on 27.10.2004. Now, the qualification required for the Professor, as per AICTE nomenclature itself is, qualification as that of Associate Professor + Post Ph.D Publications and Guiding, Ph.D students is highly desirable. For Associate Professor, the qualification required is as that of Assistant Professor and Ph.D or equivalent, in appropriate discipline, Post Ph.D Publications and Guiding, Ph.D student is highly desirable. For Assistant Professor, the qualification required is Bachelors and Masters Degree in the appropriate branch of Fine Art or equivalent with First Class or equivalent either in Bachelors or Masters degree. Then, for the Professor, as far as the

experience is concerned, minimum 10 years teaching / research / industrial experience of which at least 5 years should be at the level of Associate Professor. Of course, the qualification required for the Principal is as that of Professor + Post of Ph.D Publications and guiding, Ph.D students is highly desirable and minimum 10 years experience in teaching / research/ industry, out of which at least 3 years shall be at the level of Professor.

7. It is pertinent to note that the very question of the petitioner attacking the qualification of the 5th respondent insofar as the Professor is concerned, is absolutely not correct, because he is qualified. Now, at the time of argument, he submits that he is not questioning the post of Professor but contends that Bachelor Degree in Mathematics is not similar to that of Bachelor Degree in Computer Science. However, the petitioner was qualified in M.Tech Computer Science & Engineering in the year 1998 itself. Thereafter, he had completed M.Phil in Computer Science in the year 2004 and that his appointment and his service as Professor since 2007 has been clearly proved and further, he is only Principal-in-Charge.

8. Therefore, the present petition seeking for quo-warranto as the 5th respondent has not got all the required qualifications is not maintainable and merely because earlier, when the petitioner approached this Court in W.P.No.17296 of 2016, this Court granted a direction to the 1st respondent therein to consider the petitioner's representation dated 14.10.2015, wherein the petitioner has challenged the very same appointment of the Principal, will not amount to allowing of this Writ Petition and hence, the Writ Petition seeking Quo-warranto is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar()

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Govt., (Higher Education)
Secretariat, Government of Puducherry
Puducherry
2. The Director,
Directorate of Higher and Technical Education,
Government of Puducherry
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5. Dr. A. Kumar
Principal,
Perunthalaivar Kamarajar Institute of
Engineering and Technology, Nedungadu,
Karaikal, Puducherry - 609 603

W.P.No.22065 of 2014 and
WMP Nos.18957 and 18758 of 2016

CO (KJI)

CP 24/10/2016

सत्यमेव जयते

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