
(1997) 10 MAD CK 0099

In the Madras High Court

Case No : Writ Petition No"s. 7481 and 7892/97 and W.M.P. No"s. 12123 and 12675 of 1997

Dr. B. Boothalingam

APPELLANT

Vs

S.T. Hindu College and M. Laxmi Narayanan
M.
Subramania Pillai Vs S.T. Hindu College and M.L. Narayanan

RESPONDENT

Date of Decision : 01-10-1997

Acts Referred:

Citation : (1997) 10 MAD CK 0099

Hon'ble Judges : P.D. Dinakaran, J

Bench : Single Bench

Advocate : S.M. Subramanian, for the Appellant; S. Rajendran, Government Advocate for 3rd Respondent and P. Anbarasan, for 4th Respondent, for the Respondent

Final Decision : Dismissed

Judgement

P.D. Dinakaran, J.—In W.P. No. 7841 of 1997, the Petitioner prays for an issue of a writ Mandamus to direct the Respondents 1 to 3 to constitute the Selection Committee and to conduct the interview for the eligible applied candidates by following the procedure afresh and appoint a suitable candidate for the post of Principal S.T. Hindu College, Nagercoil, Kanyakumar District.

In. W.P. No. 7892 of 1997, the Petitioner prays for an issue of a writ of Mandamus to direct the Respondents 1 to 3 not to approve the appointment of the fourth Respondent as the Principal of the S.T. Hindu College. Nagercoil, Without constituting a Selection Committee to conduct interview for the eligible applied candidates for appointment of Principal of the S.T. Hindu College, Nagercoil by following the rules and procedures afresh.

2. Since the grievance of the Petitioners in the above writ petitions and the relief sought for are similar, namely, challenging the appointment of the fourth Respondent as the Principal of S.T. Hindu College, Nagercoil, both the writ

petitions are heard together.

3. The brief facts of the case are stated as follows:

The Petitioner in W.P. No. 7481 of 1997 is the Head of the Department of Tamil Research Centre in the S.T. College, Nagercoil, (hereinafter referred to as first Respondent college), whereas, the Petitioner in W.P. No. 7892 of 1997 is working as the Head of the Department of Zoology in the very same College. According to the Petitioners, they entered in the service as Lecturers in the first Respondent College much earlier than the fourth Respondent who was appointed as the lecturer on 1.7.65.

4. Due to the retirement of the previous Principal of the said College, the post of Principal became vacant on 31.5.97. Therefore four eligible candidates applied for the said post. They are:

1. Dr. B. Boothalingam (Petitioner in W.P. No. 7481 of 1997)
2. Mr. M. Subramania Pillai (Petitioner in W.P. No. 7892 of 1997)
3. Mr. M. Lakshmi Narayanan (4th Respondent in both the writ petitions)
4. Dr. V. Krishnan

5. According to the Petitioners after receiving the applications from the eligible candidates, a Selection Committee should be constituted and the Committee will scrutinise the qualifications, seniority and the merits independently by conducting interview and thereafter the reports will be submitted to the college Committee, who. in turn, will consider the report of the Selection Committee and thereafter select and appoint a suitable person as the Principal of the College. The Petitioners complain that the said procedure has not been adopted or not followed in selecting the fourth Respondent as the Principal of the college.

6. That apart, the Petitioners contend that the college committee did not give due considerations to the merits and abilities of the Petitioners and of the fourth Respondent in these writ petitions, but simply carried away with the Head of the Department for more years than the Petitioners and the fourth Respondent was working as Vice Principal of the College and ignored the fact that he did not possess minimum of 55% of marks or equivalent grade at the Master Degree level as required by the Regulations of the University Grants Commission. Therefore, it is contended that the Selection and appointment of the fourth Respondent is illegal and hence these writ petitions.

7. The first and second Respondents have filed a detailed counter affidavit in both the writ petitions. According to the averments stated in the counter affidavit filed by, the first and second Respondents herein, as per the provisions of the Tamil Nadu Private Colleges Regulation Act, only the College Committee is the appointing authority. The college committee of the first Respondent college, after considering all the applications and scrutinising the merits and abilities of the candidates for the post, took a decision that the fourth Respondent is the most

suitable candidate for the post of Principal of the first Respondent college, depending upon his merit and ability, qualification, experience, as a Selection Grade Lecturer, his seniority as Head of the Department and his experience as Vice Principal of the College, when compared to the other Petitioners were not considered by the College Committee were denied by the Respondents 1 and 2.

8. That apart, the learned Counsel for the Respondents 1 and 2 also invited by attention to the following Regulation of the University Grants Commission:

No person shall be appointed to a teaching post, if he/she does not fulfil the required qualifications for the appropriate subject as provided in the regulations.

Provided that any relaxation in the prescribed qualification can only be made by a University with the prior approval of the University Grants Commission.

Provided further, that these regulations, shall not be applicable to such cases where selection through duly constituted selection Committees for making appointment to the teaching posts have been made prior to the enforcement of these regulations.

The qualifications amongst others, included that a candidate is eligible for appointment to the post of lecturer in the universities/colleges only if he/she possesses a good academic record with atleast 55% marks or an equivalent grade at Master's degree level in the relevant subject from the Indian University, or an equivalent degree from foreign University.

9. The learned Counsel for the Respondents 1 and 2 therefore contend that the fourth Respondent is fully qualified for the post of the Principal of the first Respondent college. Further, Respondents 1 and 2 contend that the fourth Respondent has already been duly selected by the college Committee of the first Respondent by their resolution dated 23.5.97 and also appointed as Principal of the first Respondent college with effect from 23.5.97. In the absence of any challenge to the said resolution and appointment order on good and sufficient reasons, the writ petitions are not maintainable in law.

10. The learned Counsel for the fourth Respondent adopted the arguments of the learned Counsel for the 1st and 2nd Respondent.

11. I have given anxious consideration to the submissions of both the parties.

12. In view of the Regulations of the University Grants Commission, I do not see that the fourth Respondent suffers from any disqualification to apply for the post of principal. That apart, as per the provisions of the Act, the College Committee alone can select and appoint persons, which has been rightly complied with in the instant case. A reading of the resolutions dated 23 5.97 passed by the College Committee discloses the fact that the college committee scrutinised and considered all the applications of the candidates who applied for the post including the Petitioners in these writ petitions and only thereafter decided that the fourth Respondent is the more suitable candidate to the post of the Principal

of the first Respondent college, for the reasons stated in the said resolution that are already explained in the counter affidavit filed on behalf of the first Respondent. In pursuant to the said resolution dated 23.5.97. the fourth Respondent was also appointed as Principal of the college Committee in the proceedings No. 405/97 dated 23.5.97. Admittedly, the Petitioners did not challenge the resolution dated 23.5.97.

13. Therefore, I do not find any good and sufficient reason to interfere with the selection and appointment of the fourth Respondent as principal of the first Respondent college. Hence, these writ petitions are devoid of merits and want of legal contentions and are liable to be dismissed.

14. In the result, the writ petitions are dismissed. However, there will be no orders as to costs. Consequent to the dismissal of the above writ petitions, W.M.P. Nos. 12123 & 12675 of 1997 are also dismissed.