
(2017) 04 MAD CK 0292

In the Madras High Court

Case No : 399 of 2017 ?and ?C M P (MD) Nos 3597 & 3598 of 2017

K.Sivagami

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 13-04-2017

Acts Referred:

Citation : (2017) 04 MAD CK 0292

Hon'ble Judges : T.S.Sivagnanam, P.Velmurugan

Bench : DIVISION BENCH

Advocate : T.S.Sivagnanam, P.Velmurugan

Final Decision : Disposed Off

Judgement

1. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellants, Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.K.Govindarajan, learned counsel appearing for the respondents 4 and 5 and carefully perused the materials placed on record.

2. This writ appeal is directed against the interim order, dated 01.03.2017, made in W.M.P.(MD) No.2894 of 2017 in W.P.(MD) No.3573 of 2017.

3. We find that the miscellaneous petition filed by the appellant in the writ petition is still pending and not finally disposed of. Therefore, technically, the writ appeal is not entertainable as there is no finality to the order passed in the miscellaneous petition.

4. The appellant is aggrieved by the notification issued by the respondent ? College calling for applications from the eligible candidates for the post of Principal. His case is pitched upon the provisions of Tamil Nadu Private Colleges (Regulation) Act, 1976 and it is submitted that at the first instance, the candidates available in the College as per the seniority list should be considered and only if the candidate is not found to be suitable, then direct recruitment can be resorted to. In support of such contention, reliance has been placed upon the

decision in *Nehru Memorial College v. The State of Tamil Nadu & others*, reported in 2003 Writ L.R. 31.

5. The learned counsel appearing for the respondent ? College, on the other hand, would submit that the Tamil Nadu Private Colleges (Regulation) Act was enacted during 1976. Thereafter, University Grants Commission has passed several notifications and regulations, which not only pertain to the qualifications of the eligible candidates, but also prescribe the manner and method of selection to the post of Principal on a College. Therefore, in accordance with the procedures stipulated by the University Grants Commission, the respondent ? College has issued the impugned notification and the appellant has also applied for the said post.

6. It is stated that the interview is scheduled to be conducted on 17.04.2017 and the appellant will also be permitted to participate in the interview before a panel consisting of eight eminent persons, five of whom are outsiders as per the guidelines / regulations of the University Grants Commission. Therefore, the appellant should participate in the selection process and reserve all her arguments in the writ petition.

7. The writ appeal is disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.