

Madras High Court

The Secretary vs Tamil Nadu Teacher Education ... on 4 July, 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2014

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.4582 of 2012

The Secretary,  
N.V.K.S.D.College of Education,  
Attoor & Post 629 191,  
Kanyakumari District. : Petitioner

Vs.

Tamil Nadu Teacher Education University,  
Lady Willington College Campus,  
Kamaraj Salai, Chennai 600 005. : Respondent

PRAYER

Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the respondent University in Official Communication No.TNTEU/R/Quali.Approval/CC10916/2012/117, dated 19.01.2012, quash the same and further direct the respondent University to grant qualification approval forthwith to the appointment of P.Sheela as Librarian in the petitioner college with effect from 13.06.2007.

!For Petitioner : Mr.E.V.N.Siva  
For Respondents : Mr.J.Gunaseelan Muthiah  
Government Advocate

:ORDER

The case of the petitioner is that the petitioner college was declared as a linguistic minority educational institution, vide Judgment and Decree, dated 04.11.1987, by the City Civil Court, Chennai. In the petitioner's college, one post of Librarian fell vacant, on 31.05.2005, on account of the retirement of the previous approved incumbent M.Vamanan Nair. In the said vacancy, the petitioner appointed one P.Sheela as Librarian, with effect from 13.06.2007. A proposal was also submitted to the respondent University seeking approval of qualification of the said P.Sheela as Librarian. The respondent, by letter, dated 22.02.2011, requested to furnish the particulars as to

whether the appointment was made by a Selection Committee, constituted as per the guidelines issued by the University Grants Commission. The petitioner college, vide letter, dated 19.08.2011, replied that as the petitioner college being a minority educational institution, constitution of Selection Committee is not necessary. As there was no response from the respondent, the petitioner filed W.P.[MD].No.12131 of 2011. This Court, by order, dated 12.12.2011, directed the respondent University to consider the said proposal, dated 21.01.2011, in the light of the decision rendered by a Division Bench of this Court in Forum of Minority Institution Associations Vs. State of Tamil Nadu, reported in 2011 (2) MLJ 641. In pursuance of the order of this Court, the respondent, by proceedings, dated 19.01.2012, refused to grant approval of the said P.Sheela as Librarian in the petitioner college with effect from 13.06.2007. Questioning the correctness of the said order, the petitioner has come forward to file the present Writ Petition.

2. The learned counsel appearing for the petitioner submits that the respondent, without considering the direction issued by this Court in W.P.[MD].No.12131 of 2011, dated 12.12.2011, and also without taking into consideration of the qualification possessed by the said P.Sheela, passed the impugned order. The learned counsel further submits that the Division Bench of this Court in Forum of Minority Institution Associations Vs. State of Tamil Nadu, reported in 2011 (2) MLJ 641, held that the University Grants Commission's Regulations, 2000, is not applicable to the minority institutions. Thus, the learned counsel submits that in view of the law laid down by the Division Bench, the impugned order is liable to be set aside.

3. The Writ Petition was admitted, on 10.04.2012. When the Writ Petition was taken up for hearing, on 25.04.2014, there was no representation on behalf of the respondent, and therefore, the learned counsel for the petitioner was directed to take private notice to the respondent. Accordingly, the learned counsel took private notice and filed proof of service also. The name of the respondent is printed in the cause list. Despite the same, none appears for the respondent.

4. In such circumstances, the Writ Petition is disposed of with a direction to the respondent to consider the proposal, dated 21.01.2011, and pass appropriate orders, in the light of the order of this Court, made in W.P.[MD].No.12131 of 2011, dated 12.12.2011, and also the Judgment of this Court, in Forum of Minority Institution Associations Vs. State of Tamil Nadu, reported in 2011 (2) MLJ 641, and also taking into consideration of the date of appointment and qualification of the said P.Sheela, within a period of two weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of on the above terms. No costs.

To Tamil Nadu Teacher Education University, Lady Willington College Campus, Kamaraj Salai, Chennai 600 005.