



WEB COPY



WA No. 890 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 890 of 2026

AND

CMP NO. 9407 OF 2026

Dr.J.M.Asgarali Patel,
S/o. Mohammed Mubharak,
Department of Psychology,
Annamalai University, Annamalai Nagar,
Chidambaram, Cuddalore District -608 002.

..Appellant

Vs

1. K.Nagalakshmi,
D/o. N.Kuppusamy,
Associate Professor, Psychology Department,
Annamalai University, Chidambaram.
2. The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the Order in W.P.No.34304 of 2025 vide Order dated 01.04.2026.

For Appellant :

Mr.A.L.Somayaji, Senior Counsel
for Ms.S.Suneetha



WEB COPY



WA No. 890 of 2026

Order

(Order of the Court was made by R.Suresh Kumar J.)

The appellant is the second respondent in the writ petition. By order dated 03.09.2025, the second respondent herein / University, who stood as the first respondent in the writ petition, appointed the present appellant as Head of the Department (HOD), Psychology at the University. That was questioned by the first respondent herein on the ground that, as per the letter of the Department of Higher Education, Government of Tamil Nadu dated 22.05.2025, the post of HOD shall be on rotational basis, that means, on completion of three years of tenure, the HOD post must be rotated and the next senior person must be given the post. Based on this letter since the University has not acted upon and they have, by order dated 03.09.2025 again appointed the present appellant as HOD of Psychology Department, which was against the letter issued by the Higher Education Department, on that ground the appointment of the appellant as HOD was questioned by the first respondent in the said writ petition.

2. The learned Writ Court has allowed the said writ petition by giving an interpretation to the rule position of the University Statute.

3. We have heard Mr.A.L.Somayaji, learned Senior Counsel appearing for the appellant and have perused the materials placed before this Court.

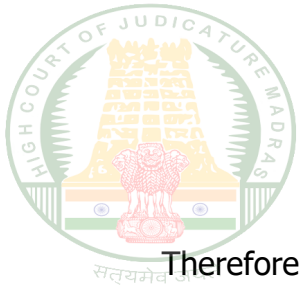


WEB COPY

4. As has been pointed out by the learned Senior Counsel, Section 46 of the University Act and the relevant rules makes it very clear that, there is a three tier structure in the university viz., (i) Professors (ii) Readers (Associate Professors) and (iii) Lecturers (Assistant Professors). Amongst the three posts, the Head of the Department would be selected from Professors, if Professor is not available, then only it would go to Associate Professor. In case there are more than one Professor available, then the senior most Professor would be selected as HOD. The tenure of the HOD for one term will be three years. After completion of three years term, if there no senior Professor available, the present incumbent shall continue for the second term. That is the rule position that is available in the University Statute.

5. Without making any amendment to the University Rules and Statute, if the Government intends to make such change in the appointment of HOD in various Universities on rotational basis by merely writing a letter, the University cannot change the system of selection and make appointment to the post of HOD in the University contrary to the University Statute, which suggests otherwise.

6. This position has not been considered in proper perspective by the learned Single Judge, which is evidenced by us while going through the impugned order.



WA No. 890 of 2026

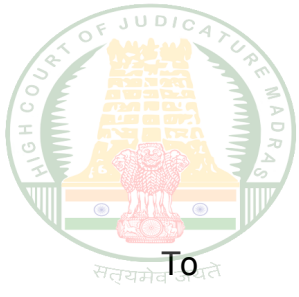
Therefore, on the basis of the prima facie case, we are inclined to admit the writ appeal. Accordingly, the writ appeal is admitted.

7. In view of the order of appointment having been given in favour of the present appellant as HOD by order dated 03.09.2025, which was impugned before the Writ Court, there shall be an order of interim stay of the order of the Writ Court dated 01.04.2026 made in W.P.No.34304 of 2025, which means the order impugned before the Writ Court gets restored as an interim measure and the present appellant can continue to hold the post of HOD, Department of Psychology in the respondent University until further orders.

8. Notice to the respondents returnable by four weeks. Private notice is also permitted. Post after four weeks.

(R.S.K.,J.) (N.S.,J.)
22-04-2026

KST



WA No. 890 of 2026

To

WEB COPY

The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District.



WEB COPY



WA No. 890 of 2026

**R.SURESH KUMAR J.
AND
N.SENTHILKUMAR J.**

KST

**WA No. 890 of 2026
AND
CMP NO. 9407 OF 2026**

22-04-2026

Page 6 of 6