

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.999 of 2015
and
M.P. No.1 of 2015

R. PoongothaiAppellant/Petitioner

Vs.

1 The Principal Secretary to Government
Department of Higher Education
Fort St. George
Chennai 600 009

2 The Vice Chancellor
Periyar University
Salem 636 011
Salem District

3 The Periyar University
represented by its Registrar
Salem 636 011
Salem District

...Respondents/Respondent

Writ Appeal preferred under Clause 15 of the Letters Patent
challenging the order dated 01.07.2015 passed in M.P. No.2 of 2015 in
W.P. No.16443 of 2015.

M.P.No.2 of 2015 in W.P.No.16443 of 2015:

Petition praying that in the circumstances stated therein and in
the affidavit filed therewith the High court will be pleased to grant
an order of stay of all further proceedings pursuant to the impugned
Notification No.024841/2014 024842/2014 and 024843/2014 and
024844/2014 dated 14.12.2014 by the 3rd respondent pending

W.P.No.16443 of 2015.

W.P.No.16443 of 2015:

Pleased to issue a Writ order or direction in the nature of Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned Nos. 024841/2014 and 024842/2014 024843/2014 and 024844/2014 dated 14.12.2014 and quash the same and consequently direct the 3rd Respondent University to notify the Vacancies afresh in ccordance with the Government Orders on Reservation of Posts Qualifications, Age Limit, Marks relaxation for Appointment within a time frame fixed by this Honourable Court.

For petitioner : Mr. S. Sathia Chandran

For RR 1 : Mr. K. Karthikeyan,
Govt. Advocate

For RR 2 & 3 : Mr. P. Godson Swaminath

JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

While the first respondent is represented by Mr. K. Karthikeyan, learned Government Advocate, the respondents 2 and 3 are represented through Mr.P.Godson Swaminath. With the consent of the learned counsel for the parties, the writ appeal is taken up for final disposal, at the admission stage itself.

2 This intra-Court appeal emanates from the order dated 1st July 2015 passed in M.P. No.2 of 2015 in W.P.No.16433 of 2015, whereunder, while admitting the writ petition, the learned Single Judge, relying on the decision in Rajesh Kumar Daria vs. Rajasthan Public Service Commission¹, declined to stay the impugned notification dated 14th December 2014, on the ground that the appellant was not an applicant to the advertisement and thus, it was not necessary to stay the impugned notification.

3 The learned counsel for the appellant submits that on account of certain clauses which are under challenge, the appellant was restrained from making an application and as such, the observation made by the learned Single Judge that the appellant was

1 (2007) 8 SCC 785

not an applicant is not correct. However, at this stage, if selection, pursuant to the impugned notification, is made subject to the final outcome of the pending writ petition, that would suffice and sub-serve the interest of justice.

4 The learned counsel for the respondents categorically submit that they have no objection to such an observation, as, admittedly, the writ petition is pending consideration.

5 Having examined the aforesaid submissions advanced by the learned counsel for the parties and also on perusal of the pleadings and documents, we modify the order under challenge in this appeal to the extent that the process of selection initiated pursuant to the notification dated 14th December 2014 impugned in the writ petition, shall be subject to the final outcome of the pending writ petition.

6 The writ appeal stands disposed of accordingly. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Principal Secretary to Government
Department of Higher Education
Fort St. George
Chennai 600 009

2 The Vice Chancellor
Periyar University
Salem 636 011
Salem District

WEB COPY

3 The Registrar
Periyar University
Salem 636 011
Salem District

1 CC to Mr. S. Sathia Chandran, Advocate SR.No. 37780

1 CC to the Government Pleader, SR.No. 38025

W.A. No.999 of 2015

CTK (CO)
PSI (10.08.2015)



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