

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.Nos.40309 and 41058 of 2015 and
WP.Nos.8258, 7485, 7798, 7254, 7262 of 2016
WMP.Nos.7356, 6964, 6458, 6697, 6468 of 2016 and
MP.Nos.1, 1 and 2 and 2 of 2015

WP.No.40309 of 2015:-

1.K.Saravanan	...Petitioner in W.P.40309/15
2.V.Rajamanickam	... Petitioner in W.P.41058/15
3.R.Hariharasudhan	... Petitioner in W.P.8258/16
4.D.Rajamurugan	... Petitioner in W.P.7485/16
5.K.Krishnakumar	... Petitioner in W.P.7798/16
6.R.Ganesh	... Petitioner in W.P.7254/16
7.S.Balamurugan	... Petitioner in W.P.7262/16

Vs

1.State rep by The Government of Tamil Nadu by Secretary to Government Higher Education Department, Fort St.George, Chennai-9	
2.The Registrar, Annamalai University, Annamalai Nagar Chidambaram, Cuddalore District.	... Respondents

Prayer:- WP.No.40309 of 2015 is filed to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 2nd Respondent in his University Order No.928/C1/2015, dated 28.11.2015 and to quash the same in so far as the Petitioner is concerned and to direct the Respondents to allow the Petitioner to continue as Special Officer with all the consequential benefits.

The other Writ Petitions are filed for the reliefs as stated therein.

For Petitioner:Mr.S.Muthukrishnan
(W.Ps.40309,41058/15,8258/16
Ms.B.Sundarapandian
(WPs 7485,7798,7254,7262/16)

For Respondents: Mr.S.Gunasekaran, AGP-R1
Mr.R.Suresh Kumar, SC-R2

ORDER

It is reported that in identical matters and in respect of the very same impugned order dated 28.11.2015, this court, in a batch of Writ Petitions in WP.No.38537 of 2015, by common order dated 31.03.2016, while dismissing all the Writ Petitions, has held as under:-

"23. As a matter of fact, I could foresee more risks would besiege the petitioners in the event of remand, for, if the impugned order on the ground of violation of the principles of natural justice or on the ground of violation of Rule 7(a) or that the Vice Chancellor who is the competent authority has not passed the order is to be interfered with, the respondent University may even go to the extreme extent of terminating the services of the petitioners, which would be causing much prejudice not only to the petitioners but to their families at this stage. Hence, I decline to remand the matters back. Moreover, as highlighted above, when none of the appointments have been made pursuant to the notification issued to the public calling for applications from the eligible candidates, since the appointments were based on individual applications without inviting applications in the manner known to law, the said approach will not meet the legal requirement of Articles 14 and 16 of the Constitution of India. Secondly, they do not have the minimum requisite educational qualification of post graduate degree with second class for the post of Special Officer. Therefore, when their appointments were bad from the inception, they do not get sanctified at a later stage. Finally, it is a well settled legal position that any person lacking eligibility cannot approach the Court for the reason that he does not have a right which can be enforced through Court. Hence, the claims of the petitioners are negatived.

24. For all the aforementioned reasons, this Court, fully agreeing with the impugned order, has no hesitation to reject the prayer of the petitioners. Accordingly, all the writ petitions fail and they are dismissed. Consequently, interim order stands vacated and the M.P.Nos.1 & 2 of 2015, W.M.P.Nos.151, 152, 4723, 5733, 7882, 7884, 7886, 7888, 7890, 7892, 7894, 7896, 7898, 7900 of 2016 are also dismissed. There shall be no order as to costs."

2. Following the above said order of this court made in similar circumstances in a batch of Writ Petitions in WP.No.38537 of 2015, dated 31.03.2016, the present Writ Petitions are dismissed. No costs. Consequently, the connected MP are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Srcm
To:

- 1.The Government of Tamil Nadu by Secretary to Government Higher Education Department, Fort St.George, Chennai-9
- 2.The Registrar, Annamalai University, Annamalai Nagar Chidambaram, Cuddalore.

+1cc to Mr.R.Sureshkumar, Advocate Sr.45336
+1cc to Mr.B.Sundarapandian, Advocate sr.45555
+1cc to the Government Pleader Sr.45580

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