



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.8751 of 2014

and

M.P(MD)No.1 of 2014

Dr.A.Deivendran, Ph.D.

..Petitioner

Vs.

Madurai Kamaraj University,
rep. by its Registrar,
Palkalai Nagar,
Madurai-625 021.

..Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to conduct the interview afresh for the post of Associate Professor in the Department of Sociology by calling the petitioner for interview.

For Petitioner : Mr.D.Selvam for
Mr.K.Sankar

For Respondent : Mr.T.Sakthikumaran

O R D E R

The writ petition has been filed by Dr.A.Deivendran, seeking for issuance of a Writ of Mandamus directing the respondent, namely, the Registrar, Madurai Kamaraj University to conduct the interview afresh for the post of Associate Professor in the Department of Sociology by inviting the petitioner to interview, since he is also having qualification as required for the post of Associate Professor in the Department of Sociology.

2. Mr.D.Selvam, learned counsel appearing for the petitioner would submit that the petitioner, after completing his M.A., (Sociology) from Madurai Kamaraj University in the year 1989, has acquired M.Phil in Sociology and also completed his Ph.D., degree in Sociology from the same University in May 2006. This apart, he has also completed M.A., Journalism and Mass Communication as well as PGDCA through Directorate of Distance Education. Along with these academic qualifications, he has also worked as Lecturer in Sociology at Matha Nursing College, Manamadurai from 13.10.2003 to 08.06.2006. Thereafter, the petitioner joined the services in Gandhigram Institution of Rural Health and Family Welfare Trust, Gandhigram as Lecturer/Assistant Professor on 09.06.2006 and till now continuously he has been working. The learned counsel further submitted that the petitioner has also published 15 research papers, therefore, he is fully qualified to the post of Associate Professor and with all these qualifications, he has applied. When the interview was held on 26.05.2014, unfortunately, the petitioner was not issued with any call letter. Hence, the petitioner has come to this Court with the relief as stated supra.



3. Further, the learned counsel would submit that even though the respondent has filled up the vacancies by appointing other candidates as Associate Professor in Sociology Department, since there are two vacancies available, the petitioner can also be considered on the basis of qualification possessed by him.

4. Opposing the above said prayer Mr.T.Sakthikumaran, learned standing counsel appearing for the respondent University submitted that the petitioner has not been issued with call letter, since he himself has admitted in the application that he has published only two journals.

5. Refuting the said submissions made by the learned counsel for the respondent University, learned counsel for the petitioner submitted that admittedly the petitioner is having 10 long years of rich experience of teaching and he has published 15 research papers till now, therefore, the respondent cannot simply deny the employment.

6. Be that as it may, this Court is not inclined to go into the question as to whether the petitioner is having sufficient qualification or not, as the said exercise has to be done only by the Registrar, Madurai Kamaraj University. Therefore, this Court hereby directs the respondent herein to place the case of the petitioner to the scrutiny committee and it is for the said committee to consider the case of the petitioner with regard to the qualification to the post of Associate Professor on merits and in accordance with law. The said exercise shall be done within a period of four weeks from the date of receipt of a copy of this order, however, before the present vacancies are filled up.

7. With the above directions, the writ petition is disposed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

16/09/2015

This Writ Petition having been posted on thursday, the Thirtieth day of June, Two Thousand and Sixteen under the caption of 'For Being Mentioned in Pursuance to the order of this Court dated 16.09.2015 and made herein and in the presence of the aforesaid counsels and this Court made this following order :-

This petition is listed today under the caption "for being mentioned".

2. In the order passed by this Court dated 16.09.2015, in this writ petition, a direction was given to the respondent as follows;

"6. Therefore, this Court hereby directs the respondent herein to place the case of the petitioner to the scrutiny committee and it is for the said committee to consider the case of the petitioner with regard to the qualification to the post of Associate Professor on merits and in accordance with law....."



3. Today, the learned counsel for the petitioner submitted that the petitioner may be considered not only for the post of Associate Professor but also for the post of Assistant Professor, since the respondent has mentioned that there is no vacancy for the post of Associate Professor.

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4. In reply, Mr.T.Sakthikumaran, learned counsel for the respondent submitted that if the petitioner applies for the post of Assistant Professor, if there is any vacancy arises, his claim would be considered and the petitioner may be considered to participate in the interview to be held by the Selection Committee on merits and in accordance with law.

5. In view of the same, the Registry is directed to issue a fresh order copy after replacing para.6 as follows;

"6. Be that as it may, this Court is not inclined to go into the question as to whether the petitioner is having sufficient qualification or not, as the said exercise has to be done only by the Registrar, Madurai Kamaraj University. Therefore, this Court hereby directs the respondent herein to place the case of the petitioner to the scrutiny committee and it is for the said committee to consider the case of the petitioner with regard to the qualification, not only to the post of Associate Professor, but also to the post of Assistant Professor, if there is any vacancy arises in the post of Assistant Professor and the petitioner may be considered to participate in the interview to be held by the Selection Committee, on merits and in accordance with law."

6. The other paragraphs of the order, dated 16.09.2015 shall remain intact.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

The Registrar, Madurai Kamaraj University,
Palkalai Nagar, Madurai-625 021.

+1cc to Mr.T.Sathishkumar, Advocate in SR.34304

+1cc to Mr.K.Sankar, Advocate in SR.34502

W.P. (MD) No.8751 of 2014
and

M.P (MD) No.1 of 2014
16.9.2015