



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P(MD)No.2788 of 2011

and

M.P.(MD)Nos.2 and 3 of 2011

P.Jothilakshmi

... Petitioner

Vs.

1.The Chairman cum
Vice Chancellor,
Mother Teresa Women's University,
Kodaikanal,Dindigul District.

2.The Registrar,
Mother Teresa Women's University,
Kodaikanal,
Dindigul District.

3.Ganesa Raja

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Notification No.271, Published in the Daily Thanthi News Paper, Dindigul Edition on 16.02.2011 by the second respondent and quash the same as illegal, consequently, to cancel the selection of the third respondent made by the first and second respondents to the post of Helper.

For Petitioner

: Mr.T.Lenin Kumar

For Respondents

1 and 2

: Mr. B.Pugalendhi

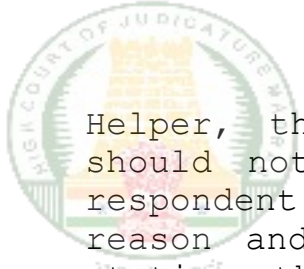
For 3rd Respondent

: Mr.T.Lajapathi Roy

O R D E R

The petitioner challenges the notification No.271, dated 16.02.2011 issued by the second respondent.

2.It is the case of the petitioner that the second respondent issued a Notification No.265, dated 19.12.2010 in Daily Thanthi, Dindigul Edition for various posts, in which, for the post of



Helper, the qualification has been fixed as VIII Standard and should not have completed 32 years. Subsequently, the second respondent cancelled the above notification without assigning any reason and issued another Notification No.271, dated 16.02.2011 stating that candidate should have passed VIII Standard with office experience and age should not have completed 32 years, only to accommodate the third respondent. Aggrieved over the same, the petitioner is before this Court.

3.The learned counsel for the petitioner submitted that originally, the age was prescribed between 18 and 32 for the post of Helper. But, to give appointment to the third respondent, the age limit was altered in the advertisement to the effect that the candidate should not have completed 32 years. Moreover, Section 19 of the Mother Teresa Women's University Act 1984 prescribes that no Officer other than woman shall be appointed to the University, provided if no qualified woman is available, then male candidate can be appointed.

4.The learned counsel for the petitioner further submitted that though there were several women candidates eligible to the post of Helper, the third respondent was selected, who is none else than the relative of the Assistant Registrar of the University. Hence, the selection of the third respondent to the post of Helper is illegal and the same is not sustainable. Therefore, the writ petition has to be allowed.

5.The third respondent had filed counter stating that the selection is not mala-fide and the selection was made only on the basis of merit and experience and it has no connection to his mother, who is an employee of the University. It is further averred that the petitioner had not possessed the qualification as prescribed by the second respondent. Therefore, the Selection Committee had selected the third respondent as per the requirements prescribed by the University. Therefore, the selection of the third respondent is legal and within the parameters of the Act.

6.The learned counsel for the second respondent had filed counter describing the fact that the reason for issuance of second notification was due to non-availability of the eligible woman. However, it is admitted by the second respondent University that the Selection is not valid in view of Section 19 of the Mother Teresa Women's University Act 1984.

7.Heard all the parties.

8.This Court in connected Writ Petition in W.P.No.5455 of 2011 <https://hccvires.courts.gov.in/cvires/> the issue in detail wherein, it was decided that the cancellation order issued by the second respondent is valid. In view of the finding given in W.P.No.5455 of 2011 the matter having



become infructuous, this Court dismisses the present writ petition also.

9. The learned counsel for the petitioner has submitted that the petitioner is to be considered along with other candidates in the further selection without insisting her age in view of the admitted fact that she was denied a legitimate chance of being selected. Therefore, the second respondent is directed to issue a fresh notification and conduct selection as per Section 19 of the Mother Teresa Women's University Act 1984 and further directed to consider the aspect of giving age relaxation to the petitioner, if she is otherwise qualified to the post of Helper.

10. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(cs-I)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1. The Chairman cum
Vice Chancellor,
Mother Teresa Women's University,
Kodaikanal, Dindigul District.

2. The Registrar, Mother Teresa Women's University,
Kodaikanal, Dindigul District.

+1 CC TO MR. T. LENIN KUMAR, ADVOCATE, SR NO. 74385

+1 CC TO MR. B. PUGALENDHI, ADVOCATE, SR NO. 74622

cla

MAS/SV-MMS/SAR1:15.06.2017:3P-5C

W.P (MD) No. 2788 of 2011
30.11.2016