

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1192 of 2017

P.T.V.Bhuvaneswari .. Appellant/Petitioner

-vs-

1. The Registrar
Anna University
Chennai 600 025
2. The Vice Chancellor
Anna University
Chennai 600 025
3. The Secretary to Government
Higher Education Department
Secretariat
Chennai 600 009
4. Dr.M.Kannan .. Respondents/Respondents

Appeal under Clause 15 of the Letters Patent, against the order dated 08.09.2017 made in W.P.No.28167 of 2014.

Prayer in WP.No.26167 of 2014:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the Notification issued by the 1st respondent in Advt.No.001/PR15/2014 dated 07.01.2014 in so far as the post of Professor in Electronics Engineering is conerned and quash the same and to consequently direct the respondents to amend the qualification prescribed for the post of professor in Electronics Engineering Department by including B.E(EEE) Degree as an eligible criteria

For Appellant :: Mr.P.Wilson
Senior Counsel for
Mr.Richardson Wilson

For Respondents:: Mr.K.Venkataramani
Additional Advocate General
assisted by Mr.M.Vijayakumar
Standing Counsel for R1 & R2
Mr.V.Jayaprakash Narayanan
Special Government Pleader for R3
Mr.V.Sanjeevi for R4/Caveator

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

Heard the learned senior counsel for the appellant, the learned Additional Advocate General for the respondent-University, the learned Special Government Pleader for the State and the learned counsel for the fourth respondent/caveator.

2. This writ appeal is against the order of the learned single Judge dismissing the writ petition filed by the appellant/writ petitioner. It appears that the first respondent University had issued a notification calling for candidates from the open market for appointment to various posts including the post of Professor in Electronics Engineering Department. It appears that the appellant belongs to Scheduled Caste (Arunthathiyar) community and the fourth respondent belongs to Scheduled Caste community and both are competing to the said post.

3. Having heard the learned counsel for the parties, in our considered opinion, it is for the respondent University to solicit opinion from the authorities as to the qualification possessed by the appellant/writ petitioner and whether she is eligible or not. If the opinion is rendered, then the matter would be decided on the basis of it and there is no scope for any other person to be appointed in that place. However, it is the contention of the respondent University that the appellant/writ petitioner is not having the requisite qualification for the post. But we have gone through the qualification prescribed. It appears that, as per the submission made by the learned senior counsel for the appellant, the appellant has possessed all the qualification as a candidate belonging to Scheduled Caste (Arunthathiyar) community. As per the submission made by the learned counsel for the fourth respondent, the fourth respondent has possessed all the qualification as a candidate belonging to Scheduled Caste community.

4. Now the controversy is only with respect to the possession of qualification as required by the respondent University. Such being the case, things could have been thrashed

out at the inception stage itself after getting opinion from the authorities as to whether the qualification possessed by the appellant is sufficient or not. It is for the respondent University to satisfy with authentication whether the appellant is duly qualified or not and simultaneously the appellant also can make efforts to get the certificate from the competent authority that the qualification obtained by her is sufficient to meet out the prescribed qualification.

5. Since it is stated before us that the appellant is the only qualified candidate under the Scheduled Caste (Arunthathiyar) category and only the qualification is being disputed by the respondents, once the appellant is found as an eligible candidate, then, there is no gainsay to make the appointment at the threshold, instead of litigating the matter for years together. Accordingly, in modification of the order of the learned single Judge, we dispose of this writ appeal only for the limited purpose of satisfaction as to the qualification possessed by the appellant. However, it is made clear that if the qualification possessed by the appellant is found sufficient, the respondent University is to select and appoint her to the post, if she satisfies all other requirements. Consequently, C.M.P.Nos.16831 & 16832 of 2017 are closed. No costs.

Call the matter on 5.10.2017 for verification purpose.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Registrar
Anna University
Chennai 600 025
2. The Vice Chancellor
Anna University
Chennai 600 025
3. The Secretary to Government
Higher Education Department
Secretariat
Chennai 600 009

4.The Section Officer,
Judicial Section,
High court, Madras.
(This Matter list on 5/10/17)

+1cc to Government Pleader sr.69867

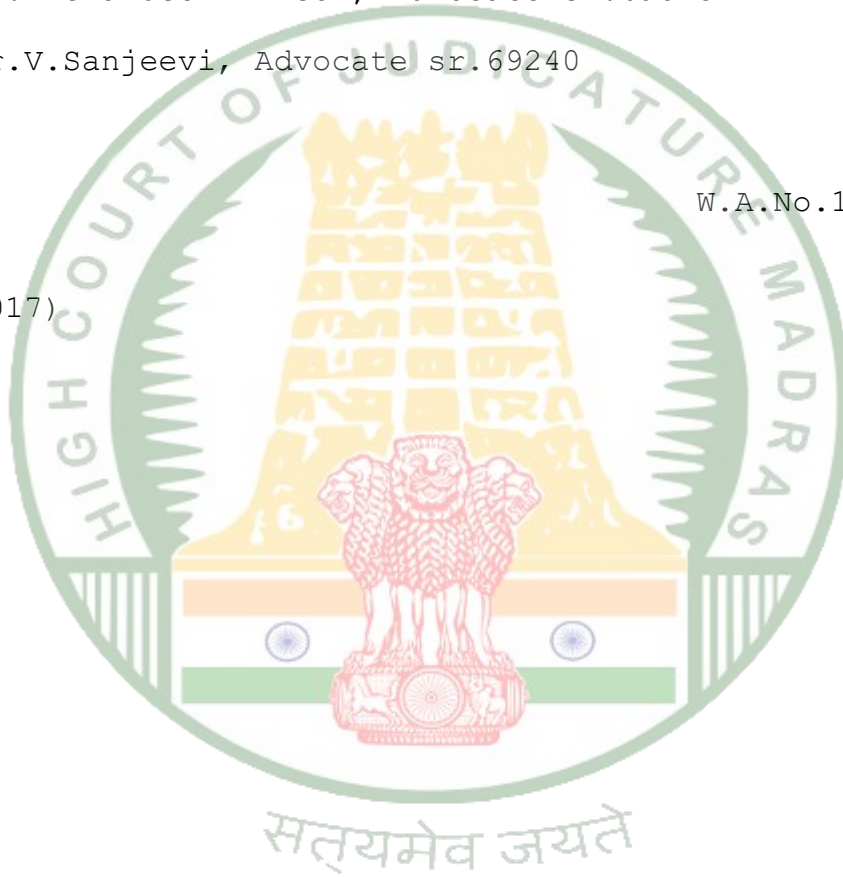
+1cc to Mr.M.Vijayakumar, Advocate sr.69580

+1cc to Mr.Richardson Wilson, Advocate sr.69573

+1cc to Mr.V.Sanjeevi, Advocate sr.69240

W.A.No.1192 of 2017

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