

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.5673 of 2017

Mrs.Lalitha

... Petitioner

vs

1. The Principal Secretary to Government,
Department of Higher Education,
Fort St. George, Chennai.
2. The Vice Chancellor,
Thiruvalluvar University,
Serkadu, Vellore District.
3. The Thiruvalluvar University,
Rep. By its Registrar,
Serkadu, Vellore District. ... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of writ of Mandamus, to direct the respondents to appoint the petitioner as Superintendent in Thiruvalluvar University, Vellore forthwith with all service benefits and seniority of service at par with the others selected and appointed in the same selection process.

For Petitioner : Mr.A.Sirajudeen, Senior Counsel
for Mr.R.Rajamani

For Respondents: Mr.T.M.Pappiah, Special
Government Pleader for R1
Mr.V.Gangatharan for R2 and R3.

O R D E R

This writ petition has been filed by Mrs.Lalitha, who has been shown as No.1, in the waiting list in BC category and ranked second in the General Category, seeking for issuance of a writ of Mandamus to direct the respondents to appoint her as Superintendent in Thiruvalluvar University, Vellore forthwith with all service benefits and Seniority of service.

2.The claim of the petitioner as projected by the learned Senior counsel appearing for the petitioner shows that when she applied for the post of Superintendent in Thiruvalluvar University, Vellore, she was called for the written examination and she was invited to take part in the selection process consisting of viva-voce. After passing various tests, she was selected finally. She was shown as No.1 in the waiting list in the BC category and ranked second in the General Category. She was also placed top in the waiting list. After appointment orders were issued to the selected candidates, two of the candidates from BC category and one from General Category failed to join in the posts for the reasons best known to them giving a way to waiting list candidates to get benefited for appointment. Now when the petitioner is shown as No.1 in the waiting list, in view of the several vacancies like vacancy on account of non joining of the selected candidates, the respondents have no other option except to provide appointment to the petitioner, as per the seniority shown in the waiting list.

3. The learned counsel appearing for the second and third respondents although sought for time to file counter, after some arguments, submitted that there are certain selected candidates viz., two from BC Category and one from General Category, who, despite their selection, refused to join the service. As they are not willing to join the posts, the University will take appropriate action and if the petitioner is found to be eligible in all respects, appointment order will be duly issued in her favour, if she is otherwise found eligible.

4. Recording the statement, the second and third respondents are directed to consider the process of giving preference to the waiting list candidates within a period of two weeks from the date of receipt of copy of this order, as admittedly three vacancies have not been filled up, two from BC Category and one from the General Category.

5. With the above direction this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
dn

To

1. The Principal Secretary to Government,
Department of Higher Education,
Fort St. George, Chennai.
2. The Vice Chancellor,
Thiruvalluvar University,
Serkadu, Vellore District.
3. The Registrar,
Thiruvalluvar University,
Serkadu, Vellore District.

+1cc to Mr.R. Rajamani, Advocate, S.R.No.16373
+1cc to Mr.V. Gangatharan, Advocate, S.R.No.16576
+1cc to Govt., Pleader, Sr.No.16557

GJII(CO)
md(19/03/2017)

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W.P No.5673 of 2017

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