

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.6764 of 2017 &

WMP.7323 & 7324/2017

Dr.V.Vaithianathan

.. Petitioner

Vs

The Periyar University,
Rep. By its Registrar,
University Campus,
Periyar Palkalai Nagar,
Salem - 636 011.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the impugned notification dated 10.03.2017 issued by the respondent herein vide advertisement No.PU/R/D1/UD/2017/01 and quash the same insofar as Serial No.1-Professor in Economics Department as illegal and against civil rights of the petitioner, consequently direct the respondent to appoint the petitioner as Professor in Economics Department by notionally as per the UGC Regularizations 2010.

For petitioner : Mr.M.R.Jothimanian

For Respondent : Mr.P.Godson Swaminath

O R D E R

By way of filing this writ petition, the petitioner seeks to quash the impugned notification dated 10.03.2017 issued by the respondent / the Periyar University, Salem, insofar as it relates to Serial No.1-Professor in Economics Department as illegal.

2. The case of the petitioner is that on 24.06.2005, he was appointed as Assistant Professor in Economics in the respondent University and thereafter, he has been working in the said department for more than 12 years without any promotion. According to him, he is eligible to be appointed as Professor as per the UGC Regulations, 2010, by way of promotion. Therefore, he made a representation dated 04.04.2016 to the respondent University requesting them to calculate his past services of six

years rendered in a Private College as Assistant Professor i.e. from June 1993 to March, 2001, for direct recruitment and promotion under Career Advancement Scheme of a Teacher as Assistant Professor, Associate Professor, Professor. Thereafter, finding no reply on his representation, he approached this Court in W.P.No.13888 of 2016 seeking a direction to the University to count his past services and this Court, by order dated 15.04.2016, dismissed the same and subsequently, when he preferred an appeal, the Hon'ble Division Bench of this Court in W.A.No.809 of 2016, dated 19.07.2016, directed the respondent to consider the case of the petitioner as per the UGC Regulations, 2010, and pass necessary orders thereon on merits and in accordance with law.

3. Whiles, it is the grievance of the petitioner that pending his request to count his services, now, the respondent University issued impugned notification dated 10.03.2017 calling for application for appointment to the post of Professor in Economics Department. It is further submitted that without giving 30 days time for submitting application from the date of notification, it is stated in the notification that filled in application form along with the required enclosures should reach the University on or before 21.03.2017, which is against the UGC Regulations, therefore, he pleaded, the impugned notification is liable to be quashed. It is his further contention that when the petitioner has possessed the requisite qualification as adumbrated in the impugned notification, the respondent University ought not to have issued the impugned notification calling for applications from the open market. Thus, on this score, he prayed for the interference of the impugned notification.

4. Per contra, Mr.P.Godson Swaminath, by accepting notice for the respondent University, submitted that the impugned notification was issued only in terms of UGC Regulation and therefore, the request of the petitioner to give 30 days time period for submitting application from the date of notification by relying upon the Regulation issued by the Central University of Gujarat is wholly misconceived. In support of his submission, the Regulation issued by the Central University of Gujarat relied upon by the petitioner as enclosed in the typed set of papers by the petitioner was brought to the notice of this Court. A perusal thereof shows that 30 days time period appears to have been given only by the Central University of Gujarat.

5. It is further stated that although the petitioner appears to have fulfilled first three educational qualifications, insofar as educational qualifications (iv) and (v) are concerned, the same will have to be considered by the Selection Committee, therefore, if the petitioner applies on or

before 21.03.2017 by enclosing requisite certificates, his candidature would be considered on merits and in accordance with law and also in terms of UGC Regulations.

6. At this juncture, it is stated by the learned counsel for the petitioner that till date, the petitioner has not been issued with the No Objection Certificate from the University, for which, on getting instruction from one Mr.Kulandaivel, Personal Assistant to the Registrar, who is present in the Court, learned counsel for the respondent submitted that they would issue the No Objection Certificate (NOC) by tomorrow morning itself on receipt of request therefor. Therefore, since the respondent University has agreed to consider his candidature on merits, the petitioner is directed to apply for the said post on or before 21.03.2017 by enclosing necessary certificates, after getting the NOC from the University and thereafter, the respondent is directed to consider his candidature on merits and in accordance with law and also in terms of UGC Regulations.

With the above directions, the writ petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Registrar,
The Periyar University,
University Campus,
Periyar Palkalai Nagar,
Salem - 636 011.

सत्यमेव जयते

+1cc to Mr.M.R.Jothimanian , Advocate, S.R.No.17251

+1cc to Mr.P.Godson Swaminath, Advocate sr.17485(24/3/2017)

KJ(CO)
md(20/03/2017)

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