

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S.M.SUBRAMANIAM

WMP No.31302 of 2017 & MP.2 of 2015

IN WP.21240/2015

THE MEMBER SECRETARY,
PONDICHERRY SOCIETY FOR HIGHER
EDUCATION (PONSHE),
PIPMATE BUILDING, LAWSPET,
PONDICHERRY-605 008. [PETITIONER IN WMP.31302/17
AND 4TH RESPONDENT IN MP.2/15]

Vs

1 T.SATHISH KUMAR [1ST RESPONDENT IN WMP.31302/17 &
PETITIONER IN MP.2/15]

2 UNION OF INDIA, [2ND RESPONDENT IN WMP.31302/17 &
REPRESENTED BY ITS CHIEF SECRETARY, 1ST RESPONDENT IN MP.2/15]
GOVERNMENT OF PUDUCHERRY, CHIEF SECRETARIAT,
PONDICHERRY.

3 THE SECRETARY, [3RD RESPONDENT IN WMP.31302/17 &
DEPARTMENT OF HIGHER EDUCATION, 2ND RESPONDENT IN MP.2/15]
GOVERNMENT OF PUDUCHERRY,
CHIEF SECRETARIAT,
PONDICHERRY.

4 THE REGISTRAR, [4TH RESPONDENT IN WMP.31302/17 &
UNIVERSITY OF PONDICHERRY, 3RD RESPONDENT IN MP.2/15]
KALAPET, PONDICHERRY.

Petitions praying that in these circumstances stated therein and
in the respective affidavits filed therewith the High Court will be
pleased to

(i) To Vacate the Interim Order granted on 15.07.2015 in WMP
No. 2/2015 in the above WP. [in WMP.No.31302 of 2017] ;

(ii) Stay the operation of the Impugned Notification dated
22.06.2015 issued by the 4th respondent Vide Notification No.
527/PONSHE/Esst/E-2/2015, [in MP.No.2 of 2015] pending
WP.No.21240 of 2015 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.T.P.MANOCHARAN, Senior Counsel for M/S.T.M.NAVEEN, Advocate for the petitioner IN WMP.31302/17 AND 4TH RESPONDENT IN MP.2/15 and of MR.B.BALA VIJAYAN, Advocate for the 1ST RESPONDENT IN WMP.31302/17 & PETITIONER IN MP.2/15 and of MR.A.TAMILVANAN, Government Advocate on behalf of the 2nd and 3rd respondents in WMP.No.31302/17 and 1st & 2nd respondents in MP.No.2/2015 and of MR.V.BALA MURGANE, Advocate for the 4TH RESPONDENT IN WMP.31302/17 & 3RD RESPONDENT IN MP.2/15, the court made the following order:-

The learned Senior Counsel, appearing on behalf of the vacate stay petitioner, made a submission that the earlier notification for recruitment to the post of Assistant Professor was published on 22.6.2015 and the writ petitioner had participated in the process of selection and not selected. Even in the earlier notification dated 15.4.2013, the vacate stay petitioner/fourth respondent in the writ petition, had followed the rules of reservation. The impugned notification was issued by the vacate stay petitioner/fourth respondent in proceedings dated 22.6.2015 in respect of the remaining vacant posts and even in that notification, the rule of reservation is followed.

2. On a perusal of the notification impugned dated 22.6.2015, out of 38 posts notified, 22 posts were allotted for unreserved categories and 10 posts are allotted to OBC and the remaining six posts were allotted to Scheduled Caste.

3. The learned Senior Counsel, appearing on behalf of the vacate stay petitioner/fourth respondent, made a submission that the rule of reservation will be followed and implemented strictly and scrupulously in accordance with the model roster of reservation prescribed by the Hon'ble Supreme Court of India and they will not deviate the rule of reservation in this regard, while conducting the selection process.

4. When such an assurance is made before this Court, and the notification also provides reservation, this Court is of the opinion that stalling the entire selection process is certainly not desirable in the interest of public. The post of Assistant Professor cannot be kept vacant indefinitely for a longer period, which would affect the educational scheme in the institutions.

5. Thus, this Court is of the opinion that rest of the issues, including the point of reservation, can be adjudicated at the time of final disposal of the main writ petition and there is no point in keeping in abeyance the entire selection process.

6. Accordingly, the interim stay granted on 15.7.2015 in M.P.No.2 of 2015 stands vacated and the stay petition stands dismissed. The vacate stay petition filed in WMP No.31302 of 2017 stands allowed. Post the main writ petition for final disposal during the second week of January 2018.

-sd/-
19/12/2017

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF SECRETARY,
UNION OF INDIA,
GOVERNMENT OF PUDUCHERRY,
CHIEF SECRETARIAT,
PONDICHERRY.

2 THE SECRETARY,
DEPARTMENT OF HIGHER EDUCATION, GOVERNMENT
OF PUDUCHERRY, CHIEF SECRETARIAT,
PONDICHERRY.

3 THE REGISTRAR,
UNIVERSITY OF PONDICHERRY, KALAPET,
PONDICHERRY.

C.C. to M/S.T.M.NAVEEN Advocate sr.no.16226

c.c. To MR.B.BALA VIJAYAN, Advocate sr.no.16289

c.c.to MR.V.BALA MURGANE, Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order
in
WMP.31302/2017 & MP.No.2/2015
in
WP.21240/2015

Date :19/12/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RR 20/12/2017 [IT]