

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.25762 of 2017
and W.M.P.Nos.27185 and 27186 of 2017

V.Prasath ... Petitioner

-vs-

1.The Chief Secretary to Govt.,
Chief Secretariat, No.1, Goubert Avenue,
Beach Road, Puducherry 605 001.

2.The Secretary to Government
(Higher & Tech. Education),
Chief Secretariat, No.1, Goubert Avenue,
Beach Road, Puducherry 605 001.

3.The Member Secretary,
All India Council for Technical
Education, Nelson Mandela Marg,
Vasant Kunj, New Delhi 110067.

4.Perunthalaivar Kamarajar Institute of
Engg. & Technology, rep. By its
Principal, Nedungadu, Karaikal-609 603.

5.A.Kumar ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Quo Warranto questioning under what authority the 5th respondent appointment dated 03.12.2007 as Assistant Professor in Perunthalaivar Kamarajar Institute of Engineering & Technology, Karaikal, Puducherry in view of lack of requisite qualifications as per Recruitment Rules and cancel the appointment order dated 23.05.2013 and 30.05.2016 of the 5th respondent as Associate Professor and officiating as Principal as illegal and void relating to the above said appointment orders.

For Petitioner : Mr.R.Venkatesulu
For Respondents : Mr.A.Gandhiraj
Govt. Pleader (Puducherry)
for RR 1, 2 and 4

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

This writ petition by way of public interest litigation has been initiated by a faculty member of Perunthalaivar Kamarajar Institute of Engineering and Technology. The petitioner has questioned the appointment of the fifth respondent as Assistant Professor of the Department of Computer Science Engineering in Perunthalaivar Kamarajar Institute of Engineering and Technology.

2.It is alleged that the fifth respondent did not have requisite eligibility as per the Recruitment Rules to be appointed as Assistant Professor. The fifth respondent was appointed to the institution as an Assistant Professor with effect from 14.11.2007 and thereafter, as Associate Professor with effect from 14.11.2010. The fifth respondent is still serving as Associate Professor.

3.It appears to us that this writ petition filed by a faculty member, is, ex facie, frivolous and is prompted by ulterior intent. There can be no public interest. An appointment cannot be challenged once the appointment assumes finality. The writ petition is, thus, dismissed with costs of Rs.25,000/- (Rupees twenty five thousand only) to be deducted from the salary of the petitioner and deposited with the Registrar General, High Court of Madras, by the authorities of the fourth respondent. No costs. Consequently, W.M.P.Nos.27185 and 27186 of 2017 also stand dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Chief Secretary to Govt.,
Chief Secretariat, No.1, Goubert Avenue,
Beach Road, Puducherry 605 001.

2.The Secretary to Government
(Higher & Tech. Education),
Chief Secretariat, No.1, Goubert Avenue,
Beach Road, Puducherry 605 001.

3.The Member Secretary,
All India Council for Technical
Education, Nelson Mandela Marg,
Vasant Kunj, New Delhi 110067.

4.The Principal Perunthalaivar Kamarajar
Institute of Engineering Technology Nedungadu
Karaikal

5.The Registrar General
High Court Madras

+1 cc to the Government Pleader for Puducherry
sr 71375

+2 ccs to M/s.Usha Raman Advocate sr 71915 & 71461

W.P.No.25762 of 2017

skv(co)
aa02/11/2017

सत्यमेव जयते

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