

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

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The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.19475 of 2017
and W.M.P.No.21026 of 2017

Dr.P.I.Ganesan, M.V.Sc., Ph.D.,
Director (Retired)
Centre for Animal Health Studies
Residing at No.61 S & Presidency
Rajankuppam
Vanagaram,
Chennai - 600 095. ... Petitioner

Vs.

1. Tamil Nadu Veterinary and Animal Sciences University,
rep. by its Registrar,
Madhavaram Milk Colony,
Chennai - 600 051.
2. The Vice-Chancellor,
Tamil Nadu Veterinary and Animal Sciences University,
Madhavaram Milk Colony,
Chennai - 600 051.
3. Er.S.Kuppusamy,
Estate Officer (Incharge)
Tamil Nadu Veterinary and Animal Sciences University,
Madhavaram Milk Colony,
Chennai - 600 051. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration, declaring that the Circular No.10048/U.O/R.3/2017, dated 23.6.2017 issued in respect of filling up of the post of Registrar, Circular No.10048/U.O/R.3/2017 dated 23.6.2017 issued in respect of filling up of the post of Directors and Dean and Circular No.10567/E.O/R3/2017 dated 13.7.2017 issued in respect of filling up the post of Estate Officer issued by the 1st respondent as illegal, arbitrary, contrary to law and statutes of the Tamil Nadu Veterinary and Animal Sciences University and

consequently direct the respondents to initiate fresh selection process in accordance with law and as per the statutes of the Tamil Nadu Veterinary and Animal Sciences University after giving wide publicity in News Paper and Multimedia etc.

For Petitioner : Ms.R.Vaigai
Senior Counsel
for M/s.Balan Haridas

For Respondents : Mr.S.Vijayakumar
for respondent Nos.1 & 2

ORDER

(Order of the Court was made by T.S.Sivagnanam, J.)

Heard Ms.R.Vaigai, learned Senior Counsel for Mr.Balan Haridas appearing for the petitioner and Mr.S.Vijayakumar, learned counsel, who accepted notice on behalf of respondent Nos.1 and 2.

2. The petitioner, who is a former Director of the first respondent University, on retirement, has approached this Court by way of this writ petition styled as public interest litigation, challenging three Circulars issued by the first respondent University two dated 23.06.2017 and one dated 13.07.2017 relating to filling up of various posts in the first respondent University.

3. The petitioner's first objection to the impugned Circulars is that the recruitment is to be done by the second respondent, who is the Vice-Chancellor of the first respondent University, who is due to retire on 04.12.2017 and the selection is restricted only to the candidates who are presently working in the first respondent University. This, according to the petitioner is incorrect and the recruitment should be done by inviting applications from open market, for which purpose, the entire selection should be widely published and the candidates should not be restricted from the persons who are working in the first respondent University.

4. Learned Senior Counsel for petitioner placed one set of Regulations and relied on the same, but Mr.S.Vijayakumar, learned counsel appearing for respondent Nos.1 and 2 pointed out that the said Regulations have been amended and placed before us the amended Regulations which according to him are now operating. On a perusal of the Regulations of the first respondent University, as amended vide amendment dated 09.09.2011, which was given effect to from 11.8.2011, we find that all the posts which have now been sought to be filled up

are to be recruited from and out of the candidates who are presently working in the University. Thus, we find that the impugned Circulars are in tune with the statutory Regulations of the first respondent University. That apart, the petitioner has not challenged the Regulations of the first respondent University and therefore, his challenge to the impugned Circulars cannot be maintained/is not tenable.

5. One more contention raised by the learned Senior Counsel for the petitioner is that the Vice-Chancellor is to demit his office on 04.12.2017 and there is a letter addressed by the Principal Secretary to Government, Animal Husbandry, Dairying and Fisheries (FS2) Department, Chennai-9 to the first respondent University dated 11.5.2017 advising the Vice-Chancellor to refrain from taking policy decisions, especially relating to the recruitment of staff during the last six months tenure of the Vice-Chancellor or until further instruction from the Government.

6. The learned counsel appearing for respondent Nos.1 and 2 would submit that this time limit has been reduced to three months by the Government.

7. Be that as it may, we find that the appointment is to be done by a Selection Committee consisting of four members in respect of the Director and Registrar and one of whom is a representative from Indian Council for Agricultural Research (ICAR) nominated by the ICAR. There is also a representative from the State Government nominated by the Government and a representative from the other Veterinary University nominated by that Vice-Chancellor and the Selection Committee is to be chaired by the Vice-Chancellor of the first respondent University. Thus, we find that the selection is not by the Vice-Chancellor himself alone, but by a Committee consisting of four members.

8. Insofar as the post of Estate Officer is concerned, the Selection Committee consists of four members, one of whom is Ex-officio member of the Board nominated by the Board and two experts from outside the University in the concerned field of not below the rank of Chief Engineer of Central or State Government nominated by the Board from a panel of not less than four names prepared by the Vice-Chancellor. Thus, the Committee appears to be a well-balanced Committee, which will undertake the selection process. Therefore, in our considered view, there is no illegality in issuing the impugned Circulars.

9. The learned counsel appearing for respondent Nos.1 and 2 submits that though for the post of Estate Officer, the notification has stated that the applicant should be from the

University, considering the nature of the duties and responsibilities, applications are also invited from the open market and applications have been received. If that be so, wide publicity should be given both in the Press and Media that the post of Estate Officer will be recruited from the candidates working in the University as well as from the open market.

10. One more interesting feature, which has been brought before us is that the petitioner who was appointed as Assistant Professor in Tamil Nadu Agricultural University, after bifurcation of the Tamil Nadu Veterinary and Animal Sciences University during 1989, had opted to become an employee of first respondent University and he has been the beneficiary of the same Regulations (albeit as it existed prior to 09.09.2011 given effect to from 11.08.2011, alluded to supra) and the petitioner retired from service as Director on attaining the age of superannuation on 31.5.2017.

11. For the reasons stated supra, there is no ground to entertain this public interest litigation and the same is dismissed. No costs. Consequently, W.M.P.No.21026 of 2017 is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1. The Registrar,
Tamil Nadu Veterinary and Animal Sciences University,
Madhavaram Milk Colony,
Chennai - 600 051.

2. The Vice-Chancellor,
Tamil Nadu Veterinary and Animal Sciences University,
Madhavaram Milk Colony,
Chennai - 600 051.

+lcc to M/S.Balan Haridas, Advocate Sr. 55994

+lcc to Mr.S.Vijayakumar, Advocate Sr. 55948

W.P.No.19475 of 2017

SJ(CO)
VR(22/8/2017)