



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.05.2017

CORAM :

**THE HON'BLE MR.JUSTICE T.RAJA**W.P(MD) No.8838 of 2017 and  
W.M.P.(MD) Nos.6782 to 6784 of 2017

M.Devakumar

... Petitioner

Vs.

1. The Registrar,  
Tamil University,  
Thanjavur District-613 010.
2. The Vice Chancellor,  
Tamil University,  
Thanjavur District-613 010.
3. The Secretary,  
Syndicate Committee of Tamil University,  
Tamil University,  
Thanjavur District-613 010.
4. The Secretary to Government of Tamil Nadu,  
Social Welfare and Nutrition Meal Program Department,  
St.George Fort, Secretariat,  
Chennai-600 006.
5. The Secretary to Government of Tamil Nadu,  
Tamil Development Culture and Religious Endowment Department,  
St.George Fort, Secretariat,  
Chennai-600 006.
6. The Commissioner,  
Department of Differently Disabled,  
Jawaharlal Nehru Inner Ring Road,  
K.K.Nagar, Chennai-600 006.

.... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned advertisement/publication No.14/2016 dated 27.04.2017 of the 1<sup>st</sup> respondent to the post of Assistant/Associate Professor in the Department of Philosophy of Tamil University and to quash the same as illegal, unconstitutional, unjust, ultra virus and against the

<https://hcservices.ecourts.gov.in/hcservices/>  
C.O.(MS) No.191 dated 16.10.2008 passed by the 4<sup>th</sup> respondent and consequently directing the respondents 1 to 3 to forward the



petitioner's appointment order in Na.Ka.No.E4/9681/2007 dated 05.04.2017 issued by the 1<sup>st</sup> respondent to the respondents 5 & 6 for fillingup the post of Assistant / Associate Professor in the vacant post in the Tamil University with effect from 16.10.2008 in accordance with G.O.(Ms) No.151 dated 16.10.2008 passed by the 4<sup>th</sup> respondent and in the light of proceeding No.Aa.Ku.Koo.No.174/K1/2010 dated 09.03.2011 passed by the 3<sup>rd</sup> respondent and to pay the petitioner's backwages from the date of regularization of his service.

For Petitioner : Mr.R.Suresh Kumar  
 For Respondents : Mr.S.Kumar  
 Addl. Govt. Pleader

### O R D E R

This Writ Petition has been filed by the petitioner, seeking issuance of Certiorarified Mandamus, calling for the records relating to the impugned advertisement/publication No.14/2016 dated 27.04.2017 of the 1<sup>st</sup> respondent to the post of Assistant/Associate Professor in the Department of Philosophy of Tamil University and to quash the same as illegal, unconstitutional, unjust, ultra virus and against the G.O.(Ms) No.151 dated 16.10.2008 passed by the 4<sup>th</sup> respondent.

2. Learned counsel for the petitioner submitted that the petitioner, being a physically challenged and after a struggle, has passed the Degree of Bachelor of Science in the year 1991 and thereafter, obtained a Degree of Master of Arts in Philosophy, Religion and Culture during the year 1993. Learned counsel further submitted that a notification dated 27.04.2017 was issued by the 1<sup>st</sup> respondent, calling for applications from suitable candidates to fill up the post of Associate/Assistant Professor without keeping any provision of 3% reservation to the physically challenged and therefore, the petitioner, being aggrieved by the same, is before this Court, seeking to quash the said notification on the ground stated supra.

3. Heard the learned counsel on either side and perused the materials available on record.

4. It is seen that the petitioner has been working as Research Assistant in the Department of Philosophy since 2004 and the petitioner is not qualified to compete for the post of Associate/Assistant Professor in view of the admitted fact that he has not passed the National Eligibility Test, which is mandatory for the said post. Once the petitioner himself is not eligible to even apply for the post, he cannot question the non-mentioning of reservation clause in respect of physically challenged, in the advertisement. Therefore, this Court is not inclined to quash the impugned advertisement dated 27.04.2017 so as to stall the entire process.



5. Hence, this petition is devoid of merits and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-  
Vacation Officer

/True Copy/

Sub Assistant Registrar

To:

1. The Registrar,  
Tamil University,  
Thanjavur District-613 010.
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Jawaharlal Nehru Inner Ring Road,  
K.K.Nagar, Chennai-600 006.

+1cc to Special Government Pleader, SR.No.564459