

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.08.2018
CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.20393 of 2018
and
WMP.Nos.23985 and 23986 of 2018

Dr.D.Sakthignanavel

..Petitioner

Vs.

1. Government of Tamilnadu
Rep. by Principal Secretary to Government
Youth Welfare and Sports Development
Department,
Secretariat, Chennai - 600 009.
 2. Tamil Nadu Physical Education and Sports University,
Rep. by Dr.G.Rathinasabapathy, Nodal Officer,
II Floor, Sports Development Authority of Tamil Nadu,
116-A, Periyar EVR High Road, Nehru Park,
Chennai - 600 084.
 3. Search Committee for appointment of Vice Chancellor
To Tamil Nadu Physical Education and Sports University,
C/o.Dr.G.Rathinasabapathy, Nodal Officer,
II Floor, Sports Development Authority of Tamil Nadu,
116-A, Periyar EVR High Road, Nehru Park,
Chennai - 600 084
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner for the post of Vice Chancellor to the 2nd Respondent University along with other candidates applied pursuant to the Notification published by the 2nd Respondent on 04.06.2018 in this regard by counting his experience as Coordinator incharge in the Centre for Yoga Studies, Pondicherry University between 27.12.2000 and 18.08.2006 towards administrative experience and include his name in the selection panel and take further action in this regard.

For Petitioner : Mr.M.G.R.Prasad
for M/s.Row and Reddy
For Respondents : Mrs.R.Janaki (R1)
Additional Government Pleader

O R D E R

Mrs.R.Janaki, learned Additional Government Pleader accepts notice on behalf of the first respondent.

2. This Writ Petition has been filed seeking for a direction to the respondents to consider the petitioner for the post of Vice Chancellor to the second Respondent University along with other candidates applied pursuant to the Notification published by the second Respondent on 04.06.2018 in this regard by counting his experience as Coordinator incharge in the Centre for Yoga Studies, Pondicherry University between 27.12.2000 and 18.08.2006 towards administrative experience and include his name in the selection panel and take further action in this regard.

3. As it appears from the averment in this Writ Petition, petitioner has applied for the post of Vice Chancellor in Tamil Nadu Physical Education and Sports University, the second respondent herein pursuant to the notification published on 04.06.2018. But the said authority according to him has illegally rejected his application by not including him among the short listed candidates, indicating the reason that the petitioner has no administrative experience as prescribed in G.O.Ms.47, Youth Welfare and Sports Development (YW2) dated 07.11.2017.

3.Mr.N.G.R.Prasad, learned counsel appearing for the petitioner would submit that the reasons assigned for non short listing of the writ petitioner i.e., that he has no requisite administrative experience as provided in clause (3) of the aforesaid Government Order is contrary to the materials on record. He in this regard has taken this Court to the Application Form submitted by him, indicating that he has five years 7 months and one day experience i.e., from 27.12.2000 to 18.08.2006 as a co-ordinator and also experience as Director of Sports from 01.05.2012 to 02.09.2014, during period of which he was also working as Head of Department from 01.07.2011 to 16.07.2014 which are taken together becomes morethan 6 years. Therefore, the aforesaid experience are the administrative experience as per the aforesaid Government Order and as such non short listing him to participate for the interview on the ground of lack of requisite administrative experience being illegal and arbitrary and the interview being going to be held tomorrow i.e., 10.08.2018, this Court pending adjudication of the aforesaid dispute directs the respondent to allow the petitioner to participate in the interview.

4. However, the learned counsel appearing for the first respondent would submit that from the materials produced by the petitioner prima facie, he appears to have no requisite

qualification for being considered. Hence, the rejection of his prayer citing the aforesaid Government Order cannot be said to be illegal or improper. Hence, the Writ Petition is liable to be dismissed consequently the interim prayer.

5. From the contentions raised in this Writ Petition, it appears that the petitioner has been denied to be short listed on the ground that he does not fulfil the eligibility criteria as per the clause (3) of the aforesaid Government Order. Therefore, it would be profitable to quote clause (3) of the said Government order to appreciate the prayer made by the petitioner in this Writ Petition, which reads as thus:

"Not less than six years of administrative experience in universities or post graduate colleges or publicly funded research institutions in positions such as Dean, Head of Department or any other such administrative positions of equal or higher degree responsibility or in all taken together. "

6. From the application of the petitioner, it transpires that the petitioner experience as a Co-ordinator was from the period from 27.12.2000 to 18.08.2006. The petitioner had acquired such experience as a co-ordinator even if it is accepted to be an administrative experience, was during the period when he was not a Dean or Head of Department or in the equivalent post. The petitioner become a professor on 27.12.2006 to 31.05.2018 and remained as a Head of Department from the period 01.07.2011 to 16.07.2014. During the said period also, he was a Director of the Sports, but he remained as a Co-ordinator while he was a reader/Associate Professor. The experience of the petitioner as Head of the Department/Director were during the same period, which admittedly fall short of 6 years. Therefore, the petitioner prima facie appears to have no experience in the University, P.G. Colleges or Public funded research institutes in the position as a Dean, H.O.D. or in other such administrative position of equal or higher degree responsibility or in all taken together. To be more specific, such experience as a Co-ordinator is not the experience of the Dean or H.O.D. or any other administrative position which is equal or higher in degree and responsibility. Hence, prima facie petitioner having no case as he has no required administrative experience as seen from his application, I am of the view that the Writ Petition filed by the petitioner challenging non short listing of him on that ground is without any substance and as such the same is liable to be dismissed, at the stage of admission, consequently the interim prayer made.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

To

1. Government of Tamilnadu
Rep. by Principal Secretary to Government
Youth Welfare and Sports Development
Department,
Secretariat, Chennai - 600 009.
2. Tamil Nadu Physical Education and Sports University,
Rep. by Dr.G.Rathinasabapathy, Nodal Officer,
II Floor, Sports Development Authority of Tamil Nadu,
116-A, Periyar EVR High Road, Nehru Park,
Chennai - 600 084.
3. Search Committee for appointment of Vice Chancellor
To Tamil Nadu Physical Education and Sports University,
C/o.Dr.G.Rathinasabapathy, Nodal Officer,
II Floor, Sports Development Authority of Tamil Nadu,
116-A, Periyar EVR High Road, Nehru Park,
Chennai - 600 084

+1cc to M/s.Row & Reddy, Advocate SR.No.54624

RV(CO)
sm:9.8.2018

सत्यमेव जयते

W.P.No.20393 of 2018

WEB COPY