

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2018

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.A.No.1751 of 2018
and
C.M.P.Nos.13994 and 13995 of 2018

Dr.D.Sakthignanavel ... Appellant

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

Appeal filed under Clause 15 of Letters Patent, against the
order passed by this Court in W.P.No.20393 of 2018 dated
09.08.2018.

W.P. 20393/2018:

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 4.6.2018 in this regard by counting his
experience as Coordinator incharge in the Centre for Yoga

Studies Pondicherry University between 27.12.200 and 18.08.2006 towards administrative experience and include his name in the selection panel and take further action in this regard.

For Appellant :: Mr.N.G.R.Prasad for
M/s.Row and Reddy

For Respondents:: Mr.R.Pratapsingh, Govt.Advocate
for R1

Mr.G.Thilagavathi, Sr.Counsel
for Mr.R.Gopinath for R2 and R3

JUDGMENT

(Delivered by THE HON'BLE ACTING CHIEF JUSTICE)

The appellant herein 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 application has been illegally rejected by not including him in the short listed candidates, on the ground that the appellant has no administrative experience as prescribed in G.O.Ms.47, Youth Welfare and Sports Development (YW2) dated 07.11.2017.

2.With the above background, the appellant has filed a writ petition before this Court in W.P.No.20393 of 2017, praying for a direction to the respondents to consider him 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.It was contended on behalf of the appellant before the writ Court that the reasons assigned for non short listing of the appellant, viz. he has no requisite administrative experience as provided in clause(3) of the aforesaid Government Order, is contrary to the materials on record. It was submitted that the appellant has 5 years, 7 months and one day experience i.e., from 27.12.2000 to 18.08.2006 as a co-ordinator and from 01.05.2012 to 02.09.2014 as Director of Sports, during which period he was also working as Head of Department from 01.07.2011 to 16.07.2014, and if these periods are taken up together, it comes to more than 6 years. When this being the position, the rejection of the candidature of the appellant, by the

authorities is illegal.

4.However, the learned Government counsel appearing for the first respondent submitted before the writ Court that from the materials produced by the appellant, it appears that the appellant has no requisite experience for being considered to the said post. Hence, the rejection of his prayer citing the aforesaid Government Order cannot be said to be illegal or improper.

5.After hearing the arguments advanced on either side, this Court dismissed the writ petition, by order dated 09.08.2018. Challenging the order passed in the writ petition, the present appeal has been filed.

6.The learned counsel appearing for the appellant has made his arguments in the similar lines as argued before the learned single Judge. He submitted that the learned single Judge failed to see that the experience mentioned by the appellant in Page-3 of the application clearly shows that he was not only an Head of Department for 3 years and 15 days, but also a Co-ordinator for 5 years, 7 months and 1 day and a Director for 2 years and 4 months and all these periods pertains to administrative side.

7.The learned senior counsel for the respondents 2 and 3 herein has submitted that the appellant acquired experience as Co-ordinator from 27.12.2000 to 18.08.2006, during which period, he was not a Dean or Head of Department or in the equivalent post. Even when he became a Professor and remained as Head of Department from 01.07.2011 to 16.07.2014, he was a Director of Sports during the said period, but he remained as Co-ordinator while he was a reader / Associate Professor, and such experience of 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. Stating so, the learned counsel prayed for dismissal of the writ appeal.

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

9.The appellant's experience as a Co-ordinator was for the period between 27.12.2000 to 18.08.2006. During the said period, he was not a Dean or Head of Department or in the equivalent post. He became a professor on 27.12.2006 and worked in the said position till 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 appellant as Head of the Department/Director, during the same period, falls short of 6 years. 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. In these circumstances, the learned single Judge has dismissed the writ petition, holding that he is not having the requisite administrative experience, which in the considered opinion of this Court, does not call for any interference.

10. Further, the proceedings of the Search Committee, the third respondent herein, dated 09.08.2018, has been produced before us today, in which it has been clarified that the appellant's experience as Co-ordinator incharge of Yoga Centre, is not equivalent to the administrative experience of the University administration or administrative experience of Postgraduate Colleges or administrative experience of publicly funded research institutions. A copy of the proceedings of the Pondicherry University, Puducherry, dated 06.08.2018 has also been produced before us, in which it has been clarified that the duties and responsibilities of Co-ordinator incharge and Director incharge are the same as Co-ordinator and Director only. Unless and otherwise any patent illegality is pointed out in the order passed by the authorities, we cannot set aside the same.

11. In view of the above stated circumstances, the writ appeal stands dismissed. No costs. Consequently the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

KM

To

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

+1 CC M/s. Row and Reddy, Advocate sr 54966.

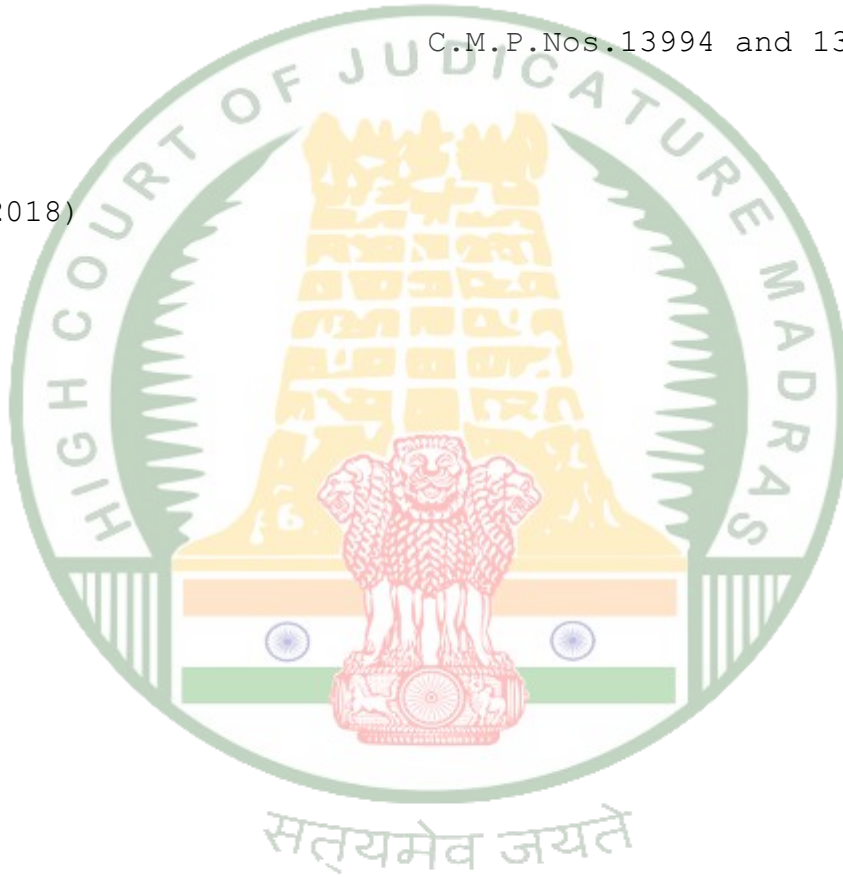
+1 CC to Mr.R. Gopinath, Advocate sr 55205.

W.A.No.1751 of 2018

and

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SPD(CO)
SP(10/09/2018)



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