

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2018

Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 23043 of 2018

and

W.M.P.No. 26935 of 2018

M. Iyathurai

...Petitioner

Vs.

1. The Registrar,
Pondichery University,
R. Venkatraman Nagar,
Kalapet, Puduchery - 605 104.

2. The Director,
Studies, Educational Innovation and Rural Constitution,
Pondichery University,
Kalapet, Puduchery - 605 104.

3. The Deputy Registrar,
Pondichery University,
Kalapet, Puduchery - 605 104.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to appoint the petitioner as Resident Warden in the Pondichery University, Puduchery in pursuance of the interview dated 11.06.2014.

For Petitioner : Mr. C.K.M. Appaji

ORDER

Heard Mr. K. Appaji, the learned counsel appearing for the petitioner.

2. The grievance of the petitioner, in this Writ Petition is that he along with another appeared for the selection to the post of resident warden of the respondent University conducted on 11.06.2014. In such selection, the persons selected did not join. The petitioner, therefore, being the other candidate, in all fairness of the things should have been asked to join in the post, but when the same was not done, he approached Central Administrative Tribunal by filing an Original Application in Diary No. 1596/2016. But the same was returned on the next day

i.e., 26.02.2016, as the claim of the petitioner is not entertainable by the Tribunal, inasmuch as, the Tribunal is not vested with the jurisdiction to entertain the dispute of the Universities, however, the petitioner has come to this Court after a lapse of more than two and a half years seeking the relief to direct the respondents to appoint him as he was the only other candidate in such selection. But it is an undisputed fact that no panel was prepared in such selection. The person in such selection if did not join, therefore, the same in no circumstances enure to the benefit of the other persons participating in the process of selection, inasmuch as, in the said situation, it is difficult to come to a conclusion that such person has the necessary merit to be selected against the said post. The petitioner also did not also challenge the same with promptitude. It may so happen that any other person might have been appointed against the said post in the meanwhile. The petitioner's claim, therefore, a dead and stale one, that too, without any solid foundation. Hence, I am not inclined to entertain such prayer of the petitioner in this writ petition, and as such, dismiss the same at the stage of admission. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

mrm/sd

To

1. The Registrar,
Pondichery University,
R.Venkatraman Nagar,
Kalapet, Puduchery - 605 104.

2. The Director,
Studies, Educational Innovation and Rural Constitution,
Pondichery University, Kalapet, Puduchery - 605 104.

3. The Deputy Registrar, Pondichery University,
kalapet, Puduchery - 605 104.

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SR(CO)

RMP (25/09/2018)