

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22224 of 2015
and M.P.No.1 of 2015

Dr.K.Sangeetha

.. Petitioner

vs

Pondicherry University,
A Central University,
Rep.by its Registrar,
Dr.B.R.Ambedkar Administrative Buildings,
R.Venkatraman Nagar,
Kalapet,
Puducherry-14.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring the action of the respondent not sending call letter to the petitioner for interview on 17.07.2015 for appointment for the post of Assistant Professor in the school of law in the respondent university as illegal and consequently direct the respondent to consider and appoint the petitioner as Assistant Professor in the school of law in the respondent university with all consequential benefits.

For Petitioner : Mr.M.Gnansekar
For Respondent : M/s. A.V.Bharathi

O R D E R

The relief sought for in this writ petition is for a declaration to declare the action of the respondent for not sending call letter of the interview on 17.07.2015 for appointment for the post of Assistant Professor in the school of law in the respondent university as illegal and consequently direct the respondent to consider and appoint the petitioner as Assistant Professor in the school of law in the respondent university with all consequential benefits.

2 The learned counsel appearing on behalf of the writ petitioner strenuously contended that the writ petitioner is fully qualified and eligible to be appointed as Assistant Professor in the school of law where four posts of Professor

was notified by the respondent university in the cadre of Assistant Professor and the writ petitioner submitted her application for selection. However, she had not received any call letter from the respondent university. Having aggrieved, the writ petitioner filed the present writ petition for a declaration to declare that the inaction of the respondent in not sending call letter of the for the interview on 17.07.2015 is illegal.

3 The learned counsel appearing on behalf of the respondent made a submission that as per the decisions of the screening committee, only 31 candidates had been called for interview except Dr.K.Sangeetha (writ petitioner) as she did not posses good academic record at UG level. The writ petitioner had secured below 44% in the UG level. Thus, the name of the writ petitioner was not considered to participate in the process of selection. Thus, the petitioner was not called for to attend the interview.

4 Admittedly, the writ petitioner has secured below 50% in UG level that was recorded by the screening committee in the minutes. This being the factum of the case, this Court do not find any irregularity or illegality in respect of the action of the respondent in not sending call letter to the writ petitioner to participate in the interview.

5 This Court is of the opinion that appointment can never be claimed as a matter of right. All the appointments are to be made only in accordance with law and as per the recruitment rules in force. Equal opportunity in public employment is constitutional mandate and the authorities competent are bound to follow the rules in force scrupulously without any deviation. All the eligible candidates are to be given opportunity to participate in the process of selection. The writ petitioner has not established any ground in respect of any illegality malpractice or corrupt practice in the process of selection and only in the event of any such illegality or corrupt practice in the process of selection, Constitutional Courts can interfere with the conditions of service, prescription of educational qualification and age limit etc., prescribed as a condition which is the prerogative of the competent authority. The Courts cannot interfere with the conditions stipulated for the purpose of selecting the candidates for appointment. Only if such conditions are unconstitutional or opposed to the public policy, then alone the Court interfere with such condition. The eligibility criteria, the educational qualifications are to be prescribed by the competent authorities in consonance with the recruitment rules in force.

6 In the present case on hand there is no such malpractice or corrupt practices alleged. Contrarily the petitioner claims that her name was not considered for sending call letter to participate in interview. In this regard, the respondent has clarified that the screening committee had accepted 31 candidates, who are selected for the purpose of conducting interview and the name of the writ petitioner has not been considered. In view of the fact that she has not secured 50% mark in UG level. Thus, the decision taken in this regard cannot be found fault with and such decision was taken in accordance with the rules in force and the norms prescribed by the scrutiny committee for the purpose of selecting the candidates so as to conduct the interview.

7 That apart, even as per the University Grants Commission regulations, the writ petitioner has not possessed the requisite mark for the selection to the post of Assistant Professor in the school of law. The minimum educational qualification prescribed by the UGC regulation of the university across the country are bound to be followed as well as the guide lines issued by the UGC. No candidate can be appointed more specifically in law college without possessing the minimum educational qualification as prescribed by the UGC regulations. Such being the law of the land, this Court is of an opinion that all the universities across the country are bound to follow the minimum educational qualifications prescribed by the UGC for the purpose of selection and appointing candidates in teaching faculties. This being the legal principles to be followed, this Court is of the opinion that the relief as such sought for in this writ petition cannot be granted and the writ petitioner has not made out any acceptable ground for the purpose of considering the prayer.

8 With these observation, the writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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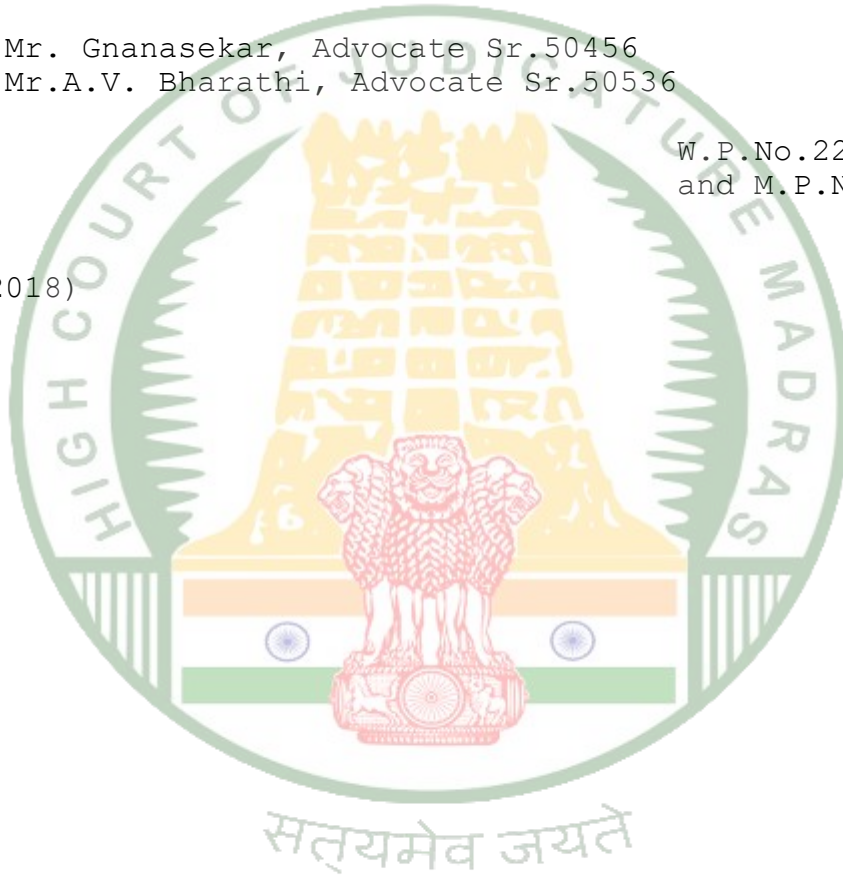
To

The Registrar,
Pondicherry University,
A Central University,
Dr.B.R.Ambedkar Administrative Buildings,
R.Venkatraman Nagar,
Kalapet,
Puducherry-14.

+ 1 cc to Mr. Gnanasekar, Advocate Sr.50456
+ 1 cc to Mr.A.V. Bharathi, Advocate Sr.50536

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(CS-DR)
EU(13/08/2018)



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