

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

Review Application Nos.25 and 26 of 2018
in W.P. Nos.21975 and 21977 of 2014
and W.P.Nos.27512 and 26869 of 2017
and W.M.P.Nos.28620 and 28621 of 2017
and Cont.P.No.756 of 2017

Review Application Nos.25 & 26 of 2018

Lalitha .. Petitioner/3rd Party
[in both Review Applications]

Vs.

1.The Principal Secretary to Government,
Department of Higher Education,
Fort St.George, Chennai - 600 009.

2.The Vice Chancellor,
Thiruvalluvar University,
Serkadu, Vellore District.

3.The Thiruvalluvar University
Rep. by its Registrar,
Serkadu, Vellore District. .. Respondents/Respondents
[in both Review Applications]

4.K.Vasanthi .. 4th Respondent/petitioner
[in Rev.Appl.No.25/2018]

4.S.Mangalalakshmi ..4th Respondent/Petitioner
[in Rev.Appl.No.26/2018]

COMMON PRAYER: Review Applications have been filed under Order 47 Rule 1 CPC r/w Section 114 C.P.C., to review the common order passed by this Court in W.P.Nos.21975 and 21977 of 2014 dated 25.02.2016, Prayer to issue a Writ of Certiorrified Mandamus Call for the e records connected with the impugned Nos.8393, 8394, 8395, dated 17.7.2014 of the 3rd respondent published in the Tamil Daily Thinathanthi in its issue dated 17.7.2014 and quash the same and consequently direct the 3rd respondent University to notify the vacancies afresh in accordance with the Government Orders on Reservation of Posts Qualifications Age

Limit Marks relaxation for Appointment within a time frame fixed by this Honourable Court

For Petitioner : Mr.M.Ravi
[in both Rev.Appls.]
For Respondent No.1 : Mr.V.Jayaprakash Narayanan
[in both Rev.Appls.] Special Government Pleader
For Respondent Nos.2 & 3 : Mr.M.C.Swamy
[in both Rev.Appls.]
For Respondent No.4 : Mr.S.Sathiachandran
[in both Rev.Appls.]

W.P.No.27512 of 2017

S.Viswanathan .. Petitioner

Vs.

1.Thiruvalluvar University,
Rep. by its Vice Chancellor,
Serkkadu, Vellore.

2.The Registrar,
Thiruvalluvar University,
Serkkadu, Vellore.

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.04.2017 and 11.10.2017 to appoint as Superintendent in the respondent University based on the selection process pursuant to the Notification No.8393 dated 17.07.2014.

For Petitioner : Mrs.Dhakshayani Reddy
For Respondent Nos.1 & 2 : Mr.M.C.Swamy

W.P.No.26869 of 2017

R.Lalitha .. Petitioner

Vs.

1.The Thiruvalluvar University,
Rep. by its Vice Chancellor,
Serkkadu, Vellore District.

2.The Registrar,
Thiruvalluvar University,
Vellore.

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records on the file of the second respondent pertaining to the Notification issued in Advertisement No.8393/2016 dated 29.02.2016 and quash the same.

For Petitioner : Mr.M.Ravi
For Respondent Nos.1 & 2 : Mr.M.C.Swamy

Cont.P.No.756 of 2017

R.Lalitha .. Petitioner

Vs.

1.Dr.K.Murugan
The Vice Chancellor,
Thiruvalluvar University,
Serkadu, Vellore District.

2.Dr.V.Peruvalluthi,
The Registrar,
Thiruvalluvar University,
Serkadu, Vellore District. .. Respondents

PRAYER: Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for contempt for the violation of the order passed by this Court in W.P.No.5673 of 2017 dated 15.03.2017, Prayer in WP.No.5673 of 2017:Writ petition filed under Article 226 of the constitution of India, praying to issue a writ of Mandamus, to direct the respondents to appoint the petitioner as Superintendent in Thiruvalluvar University Vellore forthwith with all service benefits and seniority of service at par with the others selected and appointed in the same selection process

For Petitioner : Mr.M.Ravi
For Respondent Nos.1 & 2 : Mr.M.C.Swamy

C O M M O N O R D E R

The third respondent / Thiruvalluvar University, Vellore, issued the impugned Notification Nos.8393, 8394 and 8395 dated 17.07.2014, published in the Tamil Daily "Thinathanthi" on 17.07.2014, notifying the vacancies for the posts of Superintendent, Assistant-cum-Computer Operator and Office

Assistant. Challenging the said Notification dated 17.07.2014 issued by the Thiruvalluvar University, Writ Petition Nos.21975 to 21977 of 2014 were filed to quash the said Notification on the ground that the Thiruvalluvar University failed to reserve any post of Superintendent to the category of Destitute Widow. The petitioners in the said Writ Petitions being Destitute Widows took a ground that they were not even able to apply since the said posts were not reserved for Destitute Widow.

2. After some arguments by both sides in the aforesaid Writ Petitions, the learned Additional Advocate General appearing for the Thiruvalluvar University wrongly conceded that there was failure on the part of the Thiruvalluvar University in issuing the Notification without reserving any post of Superintendent in favour of Destitute Widow. Since the Additional Advocate General submitted that if permission is granted, the respondents would withdraw a part of the above said categories, viz., Superintendent, Assistant-cum-Computer Operator and Office Assistant and thereupon, they would issue a new Notification in accordance with law. This Court accepting the statement made by the learned Additional Advocate General appearing for the Thiruvalluvar University issued direction to the Thiruvalluvar University to issue fresh notification with regard to the above posts as submitted by the learned Additional Advocate General.

3. Based on the order dated 25.02.2016 passed in Writ Petition Nos.21975 to 21977 of 2014, the third respondent issued a fresh Notification Nos.8393, 8394 and 8395 dated 29.02.2016 reserving 3 posts for Destitute widows to the category of Superintendent. Challenging the said Notification dated 29.02.2016, Mrs.R.Lalitha, filed W.P.No.26869 of 2017.

4. W.P.No.27512 of 2017 has been filed by one S.Viswanathan directing the respondents to consider his representations dated 05.04.2017 and 11.10.2017, to appoint him as a Superintendent in the second respondent University based on the selection process pursuant to the Notification No.8393 dated 17.07.2014.

5. Review Application Nos.25 and 26 of 2018 are filed by Mrs.R.Lalitha, to review the common order passed by this Court in W.P.Nos.21975 and 21977 of 2014 dated 25.02.2016.

6. Contempt Petition No.756 of 2017 has been filed by Mrs.R.Lalitha seeking an order to punish the respondents for violation of the order dated 15.03.2017 passed by this Court in W.P.No.5673 of 2017.

7. Mr.M.Ravi, the learned counsel appearing for the petitioner placing on record the proviso to Rule 21[b] of the Tamil Nadu State and Subordinate Service Rules, pleaded that in the case of direct recruitment to the posts with Grade Pay which does not exceed Rs.2,800/-, ten percent of vacancies out of thirty percent vacancies set apart for women shall be set apart for destitute widows and the first vacancy in every ten vacancies set apart for destitute widows and the first vacancy in every ten vacancies set apart for women in each category namely the General Turn, Backward Class Muslims, Backward Classes, Most Backward Classes / Denotified Communities, Scheduled Castes or Scheduled Tribes shall be set apart for destitute widows. If no qualified and suitable destitute widow is available, the turn so set apart for destitute widow shall go to the women belonging to the respective category. Therefore, the post of Grade Pay which does not exceed Rs.2,800/- alone shall be reserved for the destitute widow. But in the present case, the post, namely, Superintendent is carrying Grade Pay of Rs.4,800/-, which is more than Rs.2,800/-. Therefore, there cannot be any reservation for Destitute Widow for the post of Superintendent and he further submitted that this has not been properly placed before this Court by the Additional Advocate General.

8. Today, Mrs.Dhakshayani Reddy, learned counsel appearing for the petitioner in W.P.No.27512 of 2017 and Mr.M.Ravi, learned counsel appearing for the petitioner in Rev.Appls.Nos.25 and 26 of 2018, W.P.No.26869 of 2017, Cont.P.No.756 of 2017, Mr.M.C.Swamy, learned counsel appearing for the Thiruvalluvar University fairly conceded that the order dated 25.02.2016 in W.P.Nos.21975 to 21977 of 2014 was passed on the basis of wrong representation made by the learned Additional Advocate General. Hence, there was failure on the part of the Thiruvalluvar University in reserving the post of Superintendent in favour of Destitute Widow carrying Grade Pay of Rs.4,800/- and that shall be recalled. Accordingly, in view of the above Rule 21[b] of the Tamil Nadu State and Subordinate Service Rules, which is given as above, the order dated 25.02.2016 in W.P.Nos.21975 to 21977 of 2014 is hereby recalled and the Review Applications are allowed.

9. Needless to mention that if any candidate is selected for the post of Superintendent, pursuant to the order of this Court dated 25.02.2016, they will be issued with the suitable appointment orders. This exercise shall be done within a period of two weeks from the date of receipt of a copy of this order.

10. For the reasons mentioned above, the Review Application Nos.25 and 26 of 2018 and the Writ Petition Nos.27512 and 26869 of 2017 stand allowed and the Contempt Petition No.756 of 2017 is closed. Consequently, connected Miscellaneous Petitions also closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Principal Secretary to Government,
Department of Higher Education,
Fort St.George, Chennai - 600 009.

2.The Vice Chancellor,
Thiruvalluvar University,
Serkadu, Vellore District.

3.The Registrar,
Thiruvalluvar University
Serkadu, Vellore District.

+ 1 cc to Mr.M. Ravi, Advocate Sr.14841
+ 1 cc to Ms. Dakshayani Reddy, Advocate Sr.15775
+ 2 ccs to Mr.M.C. Swamy, Advocate Sr.15243

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GJII(CO)
EU(27/03/2018)