

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE SATRUGHANA PUJAHARI

W.P.Nos.32577 to 32580 of 2016
and W.M.P.Nos.28237 to 28240 of 2016

Dr.G.Raja Jerald Selvakumar ... Petitioner in W.P.Nos.32577
& 32578 of 2016

Dr.D.Sulochana ... Petitioner in W.P.Nos.32579
& 32580 of 2016

Vs

1. Director of Collegiate Education,
EVK Sampath Building,
9th Floor,
College Road, Chennai - 600 006

2. The Principal & Secretary,
Madras Christian College,
Tambaram East,
Chennai - 600 059 ... Respondents 1 & 2 in W.P.Nos.32577
& 32579 of 2016

... Respondents 3 & 4 in W.P.Nos.32578
& 32580 of 2016

1. The Secretary Higher Education Department,
Fort St. George, Chennai - 600 009

2. The Registrar,
University of Madras, Chepauk,
Chennai - 600 005

... Respondents 1 & 2 in W.P.Nos.32578
& 32580 of 2016

Prayer in W.P.Nos.32577 & 32579 of 2016:

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records in relation to the order passed by the second respondent dated 19.08.2016 and quash the same and consequently direct the second respondent to permit the petitioners to continue as the Assistant Professor in the Department of Public Administration of the second respondent College.

Prayer in W.P.Nos.32578 & 32580 of 2016:

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the fourth respondent to consider the appointment of the petitioners to the post of Assistant Professor (Government Aided) in Public Administration Department pursuant to the notification in "The Hindu" dated 12.06.2016 published by the fourth respondent.

For petitioner : M/s.Rita Chandrasekhar
in all W.P.'s

For respondents 1 in W.P.Nos.
32577 & 32579/2016.
Respondents 1 & 2 in W.P.Nos.
32578 & 32580 of 2016 : Mrs.P.Kavitha,
Government Advocate

For Respondent 2 in W.P.Nos.
32577 & 32579/2016
For Respondent 4 in W.P.Nos.
32578 & 32580 of 2016 : Mrs.Issac Mohanlal,
Senior Counsel for
M/s.P.Godson Swaminathan

COMMON ORDER

All these four writ petitions have been filed by the petitioners, who were working with the second respondent college in the Department of Public Administration as Assistant Professors and now stands terminated, after filling up the aforesaid post through a process of regular recruitment. The petitioners were working therein as Assistant Professors since the year 2011 in the college, but the second respondent which thereafter came out with an advertisement to fill up the post through regular process of recruitment by making an advertisement in January 2016. Pursuant to that advertisement, both the petitioners had applied and some others had also applied. But in the interview no one was selected pursuant to the said advertisement and the petitioners continued to serve in the said post. Thereafter further advertisement was made and in the further advertisement, selection has already been made, the petitioners' services were terminated. The petitioners however therefore challenged the said recruitment to be illegal and arbitrary inasmuch as they were working against the post and also their non selection and consequential termination. However, the writ petitioners, having been participated in the interview made pursuant to the advertisement and did not

challenge the same in both the occasions, appears to be fence sitters and as such they cannot be heard of challenging the advertisement made to select against the post of Assistant Professors.

2. The learned counsel appearing for the petitioners submits that the petitioners also had subsequently challenged the very process of selection made, appointing other persons and not appointing them, considering their previous experience by filing two more writ petitions, that are W.P.Nos.109 & 110 of 2017 challenging the termination, thereafter they want to withdraw all the aforesaid writ petitions and as such they do not want to press the same.

3. Accordingly, these four writ petitions are dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

sd

To

1. Director of Collegiate Education,
EVK Sampath Building,
9th Floor,
College Road, Chennai - 600 006

2. The Principal & Secretary,
Madras Christian College,
Tambaram East,
Chennai - 600 059

3. The Secretary Higher Education Department,
Fort St. George, Chennai - 600 009

4. The Registrar,
University of Madras, Chepauk,
Chennai - 600 005

+2 cc to Mr.P.Godson Swaminath, Advocate Sr.62772, 62771

W.P.Nos.32577 to 32580 of 2016

srg 24/10/2018