

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.2849 of 2018

Dr. Mayilvahanan Natarajan

..Appellant

Vs.

1. The Chancellor,
The Tamil Nadu Dr.M.G.R. Medical University
Raj Bhavan,
Sardar Patel Road,
Guindy, Chennai-600022.
2. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St George,
Chennai-600009.
3. The Search cum Selection Committee,
Rep. by its Nodal Officer,
Search Committee Office,
Madras ENT Research Foundation(P) Ltd.,
No.1, First Cross Street,
Off. II main Road,
Raja Annamalaipuram,
Chennai-600 028.

.. Respondents

Writ Appeal filed under Clause 15 of The Letters Patent to set aside the order dated 20.12.2018 made in W.P.No.33263 of 2018.

WP No.33263/2018: Petition praying to issue a Writ of Mandamus directing the respondents 1 and 2 to include past Vice Chancellors of Medical Universities under the qualification prescribed under Clause (ii) of Sub-section (2-A) of Section 10 of the Tamil Nadu Dr.M.G.R. Medical University Chennai Act 1987 (Tamil Nadu Act 37 of 1987)

For Appellant : Mrs.Hema Sampath,
Senior Counsel
for Mrs.R.Meenal

For Respondents : Mrs.Narmadha Sampath,
Additional Advocate General,
Assisted by Mr.V.Kadhirvelu,
Special Government Pleader

J U D G M E N T

(Judgment of the Court delivered by S.Vaidyanathan,J.)

The Appellant has come up with this Writ Appeal challenging the order dated 20.12.2018 passed by the learned Single Judge in W.P.No.33263 of 2018.

2. Learned Senior Counsel appearing for the Appellant contended that the requisite experience mentioned in G.O.Ms.No.494, Health and Family Welfare Department, dated 23.10.2018 has to be ignored, while the case of the Appellant is being considered for re-appointment to the post of Vice Chancellor.

3. In reply, learned Additional Advocate General appearing for the Respondents submitted that the case of the Appellant has been considered and his name has been already included for consideration along with the other candidates.

4. For better appreciation, the prayer in W.P.No.33263 of 2018, is reiterated hereunder:

"Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondents 1 and 2 to include past Vice Chancellors of Medical Universities under the qualification prescribed under clause (ii) of Sub-section (2-A) of Section 10 of the Tamil Nadu Dr. M.G.R. Medical University Chennai Act, 1987 (Tamil Nadu Act 37 of 1987)"

5. Heard the learned counsel on either side and perused the material documents available on record.

6. There is no doubt that in terms of Section 10(3) of the Act, the Appellant is entitled to be re-appointed for a period of another three years, in which case, the aggregate will have to be taken into account. Moreover, the word 'successive' is not found in Section 10(3) of the Act. So, there is no hurdle

on the part of the Respondents in considering the case of the Appellant to the post of Vice-Chancellor.

7. When the prayer sought for by the Appellant in the Writ Petition is to the effect that his case has to be considered under clause (ii) of Sub-Section (2-A) of Section 10 of the Tamil Nadu Dr.M.G.R. Medical University Chennai Act, 1987, we find that the case of the Appellant has to be considered on par with other candidates and it is for the Respondents to take a decision on merits and in accordance with law.

8. The post of Vice-Chancellor is an honorary post, which should be offered to a person voluntarily and it should come on its own and it should not be demanded as a matter of right. The Appellant should not go after the post and it is not good for his stature, as he had already held the same once.

9. In view of the above, we find no error in the order passed by the learned Single Judge and accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected C.M.P.Nos.23696 and 23697 of 2018 are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

(mrn/tsg/aeb)

To :

1. The Chancellor,
Tamil Nadu Dr.M.G.R. Medical University
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Chennai-600 028.

+2 ccs to Mrs.R.Meenal, Advocate, S.R.No.90112

Judgment in
W.A.No.2849 of 2018

SAI (CO)
SSM(23/01/2019)



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