



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
and
THE HONOURABLE MRS.JUSTICE **R.THARANI**

W.A(MD)No.145 of 2018
and
C.M.P(MD)No.729 of 2018

1. The Registrar,
Anna University,
Thiruchirapalli.
2. The Director,
Centre for Academic Excellence,
Anna University, Thiruchirapalli. .. Appellants/Respondents

Vs.

R.Ponmaran .. Respondent/ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order, dated 21.02.2017, made in W.P(MD)No.2813 of 2010.

Prayer in WP(MD). 2813/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the respondents herein to consider and appoint the petitioner to any one of the post of Superintendent / Assistant in the 1st respondent University under MBC category as per the mark of 56/100 secured by the petitioner over and above the cut off mark of 48 at the earliest.

For Appellants	: Mr.K.Chellapandian, Senior counsel for Mr.M.Rajarajan
For Respondent	: Mr.K.Appadurai

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

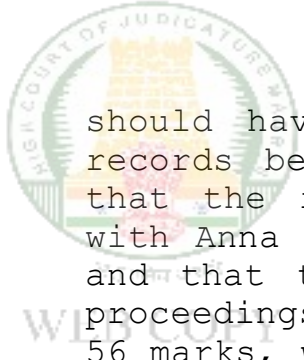
Heard Mr.K.Chellapandian, learned senior counsel, representing Mr.M.Rajarajan, learned counsel appearing for the appellants as well as Mr.K.Appadurai, learned counsel appearing for the respondent.



2.This writ appeal is directed against the order, dated 21.02.2017, made in W.P(MD)No.2813 of 2010.

3.The writ petition was filed by the respondent to direct the appellants to consider and appoint him to any one of the post of Superintendent/Assistant in the first appellant University, as he has secured 56 out of 100 marks in the oral interview conducted for the said post, under MBC category, which is far above the cut off mark of 48. When the writ petition came up for admission, the Writ Court, by an interim order, dated 09.03.2010, directed the first appellant to keep one post, under Most Backward Class category, vacant. The appellants seek to negative the claim of the respondent, by contending that even prior to passing of the interim order, the appointment orders were given to other candidates on 29.01.2010. One more reason to non-suit the respondent is by contending that the first appellant University got merged with Anna University, Chennai, on 01.08.2012. The Writ Court, which heard the matter, took note of the factual position and passed an interim direction on 07.02.2017, directing the appellants to produce the connected records pertaining to the interview, to show as to what is the maximum and minimum marks awarded to each of the candidates, who attended the interview. The first appellant informed through the learned standing counsel, by letter, dated 15.02.2017, that the interview committee records are not traceable, however, the minutes of the interview committee held on 23.01.2010 were produced and the said minutes have been extracted in paragraph No.15 of the impugned order. On a perusal of the same, it is found that no candidate was selected for MBC vacancy and the selection has been made only for the post reserved in General Turn and in the post reserved for Backward Community. The minutes of the meeting produced before the Court also did not reveal as to what is the marks awarded by the Selection Committee to the candidates. Thus, the Writ Court was convinced that all was not well with the selection process and granted the relief sought for. The grounds raised by the appellants in the writ petition have been reiterated in this writ appeal.

4.After hearing the learned senior counsel appearing for the appellants, we find that the Writ Court was fully justified in allowing the writ petition and issuing appropriate direction. The selection process should be absolutely transparent and should be free from any arbitrariness or capriciousness. The minutes of the Interview Committee, which was produced before the Writ Court, did not reveal as to how many marks awarded to the selected candidates and what it reveals, is that the MBC vacancy has not been filled up. Soon after the interview, the petitioner approached this Court and filed the writ petition in the year 2010, precisely, on 16.02.2010. Admittedly, the appellant University got merged with Anna University, Chennai only on 01.08.2012. Therefore, when the writ petition was pending before this Court from the year 2010, the appellant University, who had all the records with them,



should have properly instructed their counsel and produced the records before the Court. Having not done so, the stand taken that the records are not traceable after the University merged with Anna University, Chennai in 2012, gives a room for suspicion and that there was no proper selection process adopted and the proceedings are flawed. In any event, the petitioner had secured 56 marks, which is above the cut off mark of 48 for MBC. Thus, we find that there is no error in the order passed by the Writ Court in allowing the writ petition and issuing appropriate directions.

5. In the result, the writ appeal fails and accordingly the same is dismissed, confirming the order, dated 21.02.2017, made in W.P(MD)No.2813 of 2010. The appellant/Anna University, Chennai is directed to appoint the petitioner in the post of Superintendent under MBC category, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.K.Appadurai , Advocate in SR No. 50624

+ 1 cc TO Mr.M.Rajarajan , Advocate in SR No. 51047

smn

AE/JC/SAR2/13.03.2018/3P/3C

JUDGMENT MADE IN
W.A(MD)No.145 of 2018
and
C.M.P(MD)No.729 of 2018
22.02.2018