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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P. (MD) Nos. 23182, 23183 and 23193 of 2018

and

W.M.P. (MD) Nos. 21062 & 21063, 21064 & 21065 of 2015

and

21071 & 21072 of 2018

M. Meenakshi ... Petitioner in W.P. (MD) No. 23182 of 2018

Muthammal ... Petitioner in W.P. (MD) No. 23183 of 2018

T. Sathia ... Petitioner in W.P. (MD) No. 23193 of 2018

Vs.

1) The State of Tamil Nadu,
Rep., by the Additional Secretary,
Higher Education (H2) Department,
Secretariat, Chennai 600 009

2) Manonmaniam Sundaranar University,
Rep., by the Registrar,
Abhishekapatti,
Tirunelveli 627 012.

... Respondents in all W.P.'s

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari mandamus calling for the records in Letter No. 19823/H2/2018-1 issued by the 1st Respondent dated 23.10.2018 quash the same and consequently direct the 2nd Respondent to complete the recruitment process pursuant to the advertisement dated 31.07.2018 issued by the 2nd Respondent published in the newspaper and the Website to the post of Junior Assistant.

For Petitioners : Ms. D. Geetha
in all W.P.'s

For R1 : Mr. A. Muthukaruppan,
in all W.P.'s Additional Government Pleader.

For R2 : Mr. M. Mahaboob Athiff
in all W.P.'s



C O M M O N O R D E R

Since the issue involved in all the three writ petitions are one and the same, they are taken up for disposal by this Common order.

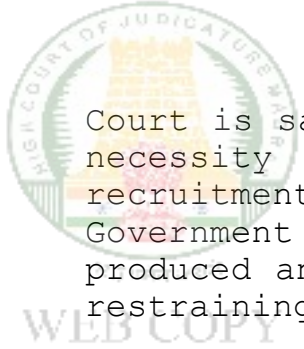
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2. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the first respondent and learned counsel appearing for the respondent University and perused the materials placed before this Court.

3. It appears that when the recruitment process for various non-teaching posts in Manonmaniam Sundaranar University was initiated by the University, the Higher Education(H2) Department received some complaints alleging malpractice in the Recruitment. Based on the complaint, the Additional Secretary to the Government in the Higher Education(H2) Department has sent a letter dated 23.10.2018 directing the Vice Chancellor of Manonmaniam Sundaranar University not to proceed with the recruitment of the non-teaching staff pursuant to the notification dated 31.07.2018.

4. To find whether there is any good reason to restrain the University Authorities from proceeding with the recruitment process, this Court directed the Government Advocate representing the State as well as the learned counsel appearing for Manonmaniam Sundaranar University to get instructions. The learned Government Advocate pursuant to the directions given by this Court has sent a letter to the Government through fax, however there is no response. Though there is no response from the Government, which has passed the impugned order, the learned counsel appearing for the University has furnished a file in which this Court understands that one Sivasubramanian, residing at Tirunelveli District has sent a complaint to the Principal Secretary, Higher Education Department making certain allegations regarding recruitment process undertaken by the University. On receipt of this letter, the Additional Secretary to the Government with the concurrence of the Principal Secretary has passed the impugned order restraining the Vice Chancellor from proceeding with the recruitment process. Immediately, on receipt of the restraining order, the Registrar of Manonmaniam Sundaranar University, has written a letter to the Government stating the procedure adopted by them in the recruitment process and has explained lack of veracity in the complaint given by one Sivasubramanian. Further, in the letter the 2nd respondent/Manonmaniam Sundaranar University, it is stated that the allegations made by Sivasubramanian are not true and its an attempt to damage the reputation of the University. Therefore, requested the Government to ignore the complaint and permit them to proceed with the process of recruitment.

5. This explanation of the Registrar of Manonmaniam Sundaranar University has been sent to the Government vide letter dated 24.10.2018. Till date, they have not responded to that. But this



Court is satisfied from the perusal of the records that there is no necessity to stop the University from proceeding with the recruitment proceed which they have initiated long back. Since the Government has not filed the counter affidavit and also have not produced any documents, there is no reason available to justify the restraining order.

6. This Court presumes that the Higher Education Department is satisfied with the stoppage of the recruitment process and not interested any further. If the Government is going to react on vexatious complaints, University will not be in a position to proceed with recruitment in a transparent manner. Considering the above facts, the writ petitions are allowed.

7. The Registrar of Manonmaniam Sundaranar University is hereby directed to proceed with the recruitment process in accordance with law and complete the same within a period of 30 days from the date of receipt of a copy of this order and file a report about the recruitment process before the Registry of Madurai Bench of Madras High Court. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1) The Additional Secretary to Government of Tamil Nadu.
Higher Education(H2) Department,
Secretariat, Chennai 600 009

2) The Registrar,
Manonmaniam Sundaranar University,
Abhishekapatti,
Tirunelveli 627 012.

+3 CCs TO Ms.D.Geetha , ADVOCATE IN SR No.97981,97982,97980.

+1 CC TO Mr.Mahaboob Athiff , ADVOCATE IN SR No.98166.

+1 cc to Special Government Pleader, SR.Nos.97855,97854.

STS

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Common Order in

W.P. (MD) Nos.23182, 23183 and 23193 of 2018
29.11.2018