



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Thirty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

WMP(MD) No.16520 of 2018
IN
WP(MD) No.19024 of 2018

P.DHANASEELAN,

... PETITIONER

Vs

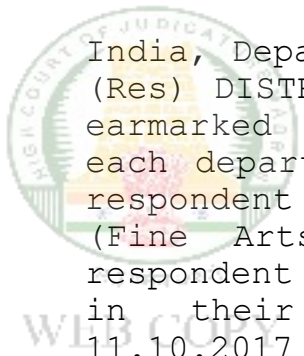
- 1 THE UNION OF INDIA, REP BY ITS
JOINT SECRETARY MINISTRY OF HUMAN RESOURCE
DEVELOPMENT, DEPARTMENT OF HIGHER EDUCATION,
SHASTRI BHAVAN, NEW DELHI - 110 001.
- 2 NATIONAL INSTITUTE OF TECHNOLOGY,
TIRUCHIRAPALLI REPRESENTED BY ITS REGISTRAR,
THUVAKUDI, TRICHIRAPALLI - 620 015.
- 3 NATIONAL INSTITUTE OF TECHNOLOGY,
TIRUCHIRAPALLI REPRESENTED BY ITS DIRECTOR,
THUVAKUDI, TRICHIRAPALLI - 620 015.
- 4 THE BOARD OF GOVERNORS
REP.BY ITS CHAIRPERSON
NATIONAL INSTITUTE OF TECHNOLOGY, TRICHIRAPALLI,
THUVAKUDI, TRICHIRAPALLI - 620 015.
- 5 S.AMALAN SIGMUND KAUSHIK

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to implead the fifth respondent to act on behalf of other 41 selected Assistant Professors in order to defend their case.

Prayer in WP(MD). 19024/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records culminating to the selection of 42 assistant professors made in pursuance of the Advertisement No.NITT / R / F / 2017 / 03 dated 11/10/2017 issued by the second respondent and to quash the same and to command the second respondent to make fresh selection for the regular post of Assistant Professor in the third respondent institute by operating the post based roster prepared in accordance with the Government of



India, Department of Personnel and Training O.M. No.36012/2/96 -Estt (Res) DISTRICT.02.07.1997, after indicating the number of vacancies earmarked for each reserved and unreserved categories by treating each department as a unit and as per the Resolution of the fourth respondent and to appoint the petitioner as Assistant Professor (Fine Arts) in the Department of Architecture of the third respondent institute on the basis of the qualification as advertised in their advertisement DISTRICT.13.07.2016, 06.05.2017 and 11.10.2017 and to pass such other further order or orders as this Honourable Court may deem fit and necessary in the circumstances of the case.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.F.RAYMOND ALBYNESS for M/S.A.FATHIMANATHAN, Advocate for the petitioner and of M/S.J.MARIA ROSELINE Advocate for R2 to R4, the court made the following order:-

This Miscellaneous Petition has been filed under Rule 2-A of Appendix - IV of the Appellate Side Rules, 1965, seeking to implead the fifth respondent herein to act on behalf of other 41 selected Assistant Professors in order to defend their case.

2. In this case, it is represented that the petitioner is not at all eligible for applying to the said Post and that the petitioner at the most can confine the relief with regard to the Department of Architecture if he is otherwise eligible. But, he is trying to rope all other Departments, which is not permissible.

3. According to the petitioner, there is no reservation mentioned in the advertisement and the entire process of selection itself is bad.

4. The learned counsel appearing for the respondents 2 to 4 would submit that if the petitioner is aggrieved, he has to file a PIL and it is not for him to stall the entire proceedings. He further stated that the persons, who are aggrieved by the action taken by the respondents can approach this Court and the petitioner cannot be a spokesman for the persons alleged to have been aggrieved when the petitioner is not at all eligible to apply for the Post.

5. In reply, the learned counsel appearing for the petitioner replied that there cannot be any PIL with regard to service matters.

6. Without going into the merits of the contention of both parties, the petitioner is permitted to implead all the 42 persons as respondents in the writ petition.

7. The respondents 2 to 4 are directed to furnish the names of 42 selected persons to the petitioner.

8. In the result, this Miscellaneous Petition is rejected as this Court is of the view that in case the matter is decided on



merits all the persons would likely to be affected for not being heard. There can't be PIL in service matters.

9. The Registry is directed to call the writ petition, after a week.

WEB COPY

/ TRUE COPY /

sd/-
31/08/2018

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JOINT SECRETARY ,
THE UNION OF INDIA,
MINISTRY OF HUMAN RESOURCE DEVELOPMENT,
DEPARTMENT OF HIGHER EDUCATION,
SHASTRI BHAVAN, NEW DELHI - 110 001.
- 2 THE REGISTRAR,
NATIONAL INSTITUTE OF TECHNOLOGY,
TIRUCHIRAPALLI,
THUVAKUDI, TRICHIRAPALLI - 620 015.
- 3 THE DIRECTOR,
NATIONAL INSTITUTE OF TECHNOLOGY,
TIRUCHIRAPALLI,
THUVAKUDI, TRICHIRAPALLI - 620 015.
- 4 THE CHAIRPERSON,
THE BOARD OF GOVERNORS
NATIONAL INSTITUTE OF TECHNOLOGY, TRICHIRAPALLI,
THUVAKUDI, TRICHIRAPALLI - 620 015.

+1. C.C. to M/S.F.RAYMOND ALBYNESS Advocate SR.No.16634

ORDER
IN
WMP(MD) No.16520 of 2018
IN
WP(MD) No.19024 of 2018
Date :31/08/2018

MV:MMS:SAR2:07/09/18/3P/6C