



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.734 of 2011

and

M.P.(MD).No.1 of 2011

Dr.R.A.Abbas

... Petitioner

Vs.

1. The State of Tamil Nadu
represented by its Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai 600 009.

2. The Vice Chancellor,
Madurai Kamaraj University,
Madurai 625 021.

3. The Registrar,
Madurai Kamaraj University,
Madurai 625 021.

... Respondents

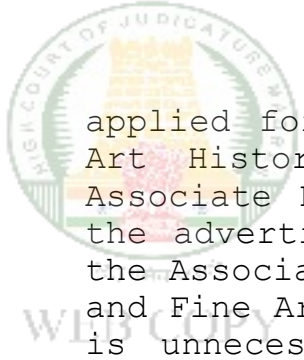
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of declaration to declare that the impugned advertisement No.R79/MKU/2010, dated 28.12.2010 by the third respondent so far as recruitment of Associate Professor Post in the Department of Medieval History is concerned, is ultravires the Constitution as violative of Articles 14 and 16 and consequently direct the second and third respondents to make recruitment in the same post without any communal reservation as per Hon'ble Supreme Court judgment in Devadasan Case and Chakradhar Paswan v. State of Bihar reported in (1988) 2 SCC 214.

For Petitioner	: Mr.K.K.Kannan
For R1	: Mr.M.Muthu Additional Government Pleader
For R2	: Mr.S.Xavier Rajini
For R3	: Mr.R.M.Makesh Kumaravel

O R D E R

The relief sought for in this writ petition is for a declaration to declare the Advertisement No.R79/MKU/2010 published in 'The Hindu' dated 28.12.2010 by the third respondent is void and ultravires of the Constitution.

2. The learned counsel appearing on behalf of the University brought to the notice of this Court that the writ petitioner had



applied for the post of Associate Professor (in the Department of Art History, Aesthetics and Fine Arts). However, the post of Associate Professor has not been filled up so far and accordingly, the advertisement under challenge had not acted upon in respect of the Associate Professor in the Department of Art History, Aesthetics and Fine Arts. Therefore, further adjudication in this writ petition is unnecessary, when the post in which the writ petitioner has applied for has not been filled up. The University has to take a decision and issue appropriate fresh notification calling applications from the eligible candidates to fill up the said post.

3. In this view of the matter, no further adjudication is required in this writ petition. Accordingly, the writ petition stands closed. No costs. Consequently, the connected Miscellaneous Petition No.1 of 2011 is closed.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

The Secretary to Government,
The State of Tamil Nadu
Higher Education Department,
Fort St. George,
Chennai 600 009.

+1cc to Mr.R.M.MAKESH KUMARAVEL,Advocate,SR. 43883
+1cc to M/S.ISSAC CHAMBERS,Advocate,SR. 44146
+1cc to M/S.Special Government Pleader,SR. 44588

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AKV

KK/SV MMS/SAR 3/19.02.2018/ 2P- 5C/