



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 24.01.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.9331 of 2011

and

M.P.(MD) Nos.1 and 2 of 2011

T.Athithan

... Petitioner

Vs.

1. The Government of Tamilnadu,
Represented by its Principal Secretary,
Higher Education Department,
Fort St. George, Chennai.
2. The Principal Secretary,
Department of Law,
(Convener, Convener's Committee
M.S.University),
Government of Tamil Nadu,
Fort St. George, Chennai
3. The Manonmaniam Sundaranar University,
Represented by its Registrar,
Tirunelveli.
4. The University Grants Commission,
represented by its Chairman,
Bahadur Shah Zafar Marg,
New Delhi 110 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records pertaining to the impugned notification issued by the third respondent and published in Dinamani Tamil Daily dated 04.08.2011 and quash the same.

For Petitioner : Mr.M.Saravanan

For R-1 and R-2 : Mr.M.Muthu
Additional Government Pleader

For R-3 : Mr.M.Mahaboob Athiff

For R-4 : Mr.Vijay Karthikeyan

**ORDER**

The relief sought for in this writ petition is to call for the records pertaining to the notification issued by the third respondent and published in Dinamani Tamil Daily on 04.08.2011 and quash the same.

2. The respondent University issued Notification for recruitment to the post of Temporary Lecturers on 04.08.2011. The preliminary objection raised by the learned counsel for the respondents is that the writ petitioner is none other than the Senate Member, who is responsible in respect of the decisions taken by the University. Further, the writ petitioner being a Senate Member is not an aggrieved person in respect of the Notification issued for recruitment to the post of Temporary Lecturers in the University. However, this Court is of an opinion that the Recruitment Notification was issued on 04.08.2011 for selection to the post of Temporary Lecturers and now after a lapse of more than 6 ½ years, the question of quashing the notification does not arise in this writ petition at all.

3. It is made clear that all recruitments are to be made strictly in accordance with the Rules in force. The University concerned is bound by the UGC Regulations in respect of minimum educational qualifications, age and other conditions prescribed. If any recruitment process is to be undertaken, it is the duty mandatory on the part of the competent authorities to ensure that all the qualifications prescribed by the University Grants Commission are followed scrupulously. All appointments are to be made only by following the Rules in force and equal opportunity in public employment is a constitutional mandate. If any authority found violating the recruitment Rules in force, then the State has to initiate appropriate action against such officials. If necessary, disciplinary proceedings are also to be initiated against the erring officials in this regard, in view of the fact that such public officials are committing a fraud on constitution.

4. This being the view of this Court, the respondents have to follow all the rules and regulations in respect of recruitment at the time of undertaking the process of selection.

5. With these observations, the writ petition stands closed. No costs. Consequently, the connected Miscellaneous Petition are also closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/



To

1. The Principal Secretary,
Government of Tamilnadu,
Higher Education Department,
Fort St. George, Chennai.
2. The Principal Secretary,
Department of Law,
(Convener, Convener's Committee
M.S.University),
Government of Tamil Nadu,
Fort St. George, Chennai
3. The Chairman,
Manonmaniam Sundaranar University,
Tirunelveli.
4. The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi 110 002.

+ 1 CC TO M/s.AJMAL ASSCIATES, ADVOCATE IN SR No. 43881
+ 1 CC TO Mr.B.VIJAY KARTHIKEYAN, ADVOCATE IN SR No. 43931
+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 44121
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 44580

AKV

TE/KKR/SAR-4 : 26/02/2018 : 3P/9C

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