

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 25195 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in appointing the 4th respondent to the post of Lecturer in Sociology, contrary to the selection list, as illegal and arbitrary. A consequential direction to the respondents to consider the case of the petitioner and appoint her to the said post in the 2nd respondent college, is also sought.

2. Heard Sri S.M. Subhan, learned counsel for the petitioner, and learned Government Pleader for Higher Education, appearing for the respondents, and perused the record.

3. It has been contended by the petitioner that the 2nd respondent college had issued a notification on 10.06.2001 to fill up a vacant Aided Post of Lecturer in Sociology (backlog vacancy) from qualified S.C.-A women candidates. She and the 4th respondent had secured equal marks in the qualifying examination and, in the selection list, she was shown as a selected candidate and the 4th respondent was shown in the waiting list. Her grievance is that contrary to the selection list, the 4th respondent was appointed to the post of Lecturer in Sociology. Hence, the present writ petition.

4. The 2nd respondent filed a counter affidavit stating that the petitioner as well as the 4th respondent secured equal marks in the

qualifying examination i.e., 56.4%. When there is a tie between two candidates, the candidate, who is older in age, will be given preference for appointment. Accordingly, the 4th respondent, being the older in age than the petitioner, was given preference and appointed to the post of Lecturer in Sociology. In view of the above, the writ petition is liable to be dismissed.

5. Having considered the submissions made by the parties, this Court is of the considered view that no illegality has been committed by the 2nd respondent in giving preference and appointing the 4th respondent to the post of Lecturer in Sociology. There are no merits in the writ petition.

6. Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

24th August, 2018
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Writ Petition No. 25195 of 2002
(dismissed)

24th August, 2018

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