

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Special Original Jurisdiction )

Monday, the Twenty Ninth day of April Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M. VENUGOPAL

and

THE HON`BLE MR JUSTICE S. VAIDYANATHAN

WMP No.11551 of 2019

IN WP.NO.23936/2017

V.B.R.MENON, B.E (MECH), MBA [ PETITIONER ]  
(IIMA), LLB, ADVOCATE,  
F.NO.4B, BROOK DALE APARTMENTS,  
NO.12, P.T. RAJAN SALAI,  
K.K.NAGAR, CHENNAI 600 078

Vs

1 THE SECRETARY TO GOVERNMENT [ RESPONDENTS ]  
OF INDIA, DEPARTMENT OF HIGHER EDUCATION,  
MINISTRY OF HUMAN RESOURCES DEPARTMENT,  
R.NO.128, C-WING, SHASTRI BHAWAN, DR.RAJENDRA  
PRASAD RD, NEW DELHI 110 001.

2 THE JOINT SECRETARY (NITS &DL),  
DEPARTMENT OF HIGHER EDUCATION, R.NO.122,  
B&C WING, MINISTRY OF HUMAN RESOURCES  
DEVELOPMENT, SHASTRI BHAWAN, DR. RAJENDRA  
PRASAD RD, NEW DELHI 110 001

3 THE JOINT SECRETARY (IISER /IISC),  
DEPARTMENT OF HR. EDUCATION, R.NO.230,  
C-WING, MINISTRY OF HUMAN RESOURCES  
DEVELOPMENT, SHASTRI BHAWAN, DR. RAJENDRA  
PRASAD RD, NEW DELHI-001

4 THE ADDITIONAL SECY. (TE /IIT),  
DEPARTMENT OF HIGHER EDUCATION, R.NO.118,  
C-WING, MINISTRY OF HUMAN RESOURCES  
DEVELOPMENT, SHASTRI BHAWAN, DR. RAJENDRA  
PRASAD RD, NEW DELHI-001

5 THE DIRECTOR,  
NATIONAL INSTITUTE OF TECHNOLOGY, DEPARTMENT  
OF HIGHER EDUCATION, R.NO. 428, C-WING,  
SHASTRI BHAWAN, DR. RAJENDRA PRASAD ROAD,  
NEW DELHI 110 001

6 THE DIRECTOR  
INDIAN INSTITUTE OF TECHNOLOGY, MADRAS,  
OPPOSITE TO CLRI, SARDAR PATEL ROAD, ADYAR,  
CHENNAI-36.

7 THE DIRECTOR  
NATIONAL INSTITUTE OF TECHNOLOGY, TANJORE  
MAIN ROAD, NEAR BHEL, TIRUCHIRAPALLI-620 015.

8 THE DIRECTOR  
INDIAN INSTITUTE OF SCIENCE EDUCATION AND  
RESEARCH (IISER), RAMI REDDY NAGAR,  
KARAKAMBADI ROAD, MANGALAM POST,  
TIRUPATI-517 507.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to implead (i) The Director, Indian Institute of Technology, Madras, Opposite to CLRI, Sardar Patel Road, Adyar, Chennai-36 as 6th respondent (ii) The Director, National Institute of Technology, Tanjore Main Road, Near BHEL, Tiruchirapalli-620 015 as 7th respondent and (iii) The Director, Indian Institute of Science Education and Research (IISER), Rami Reddy Nagar, Karakambadi Road, Mangalam Post, Tirupati-517 507 as 8th respondent in the above WP No.23936 of 2017 (WMP.11551/2019)

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.V.B.R.MENON, (PETITIONER-IN-PERSON) for the petitioner and of MR.RABU MANOHAR, Advocate for the 1 & 5 Respondents and of MR.KARTHIK RAJAN, Advocate for the 6 to 8<sup>th</sup> Respondents the court made the following order:-

This Miscellaneous Petition has been filed, seeking to implead (i) The Director, Indian Institute of Technology, Madras, opposite to CLRI, Sardar Patel Road, Adyar, Chennai-36 as 6th Respondent (ii) The Director, National Institute of Technology, Tanjore Main Road, Near BHEL, Tiruchirapalli-620 015 as 7th Respondent and (iii) The Director, Indian Institute of Science Education and Research (IISER), Rami Reddy Nagar, Karakambadi Road, Mangalam Post, Tirupati-517 507 as 8th respondent in their representative capacities in terms of Rule 2-A of Appendix V of the Rules, regulating the proceedings under Article 226 of the Constitution of India.

2. The Petitioner has submitted that the Writ Petition has been filed in the nature of Public Interest Litigation and therefore, there is no need to implead any person in their representative capacities. He has further submitted that he has got a judgment in his favour to substantiate his contention that there is no need for such impleadment.

3. It is seen that pursuant to the orders of this Court made on 28.03.2019, the Petitioner has filed this Petition. Hence, this Petition for impleadment is ordered. The Petitioner is directed to effect paper publication in the National Edition of "The Hindu" being widely circulated throughout India, mentioning the date of hearing as 17.06.2019. The Paper publication will have to be effected on or before 07.06.2019 and the proof of such publication has to be filed into the Registry on or before 12.06.2019.

4. It is needless to mention that if the Petitioner's contention is accepted by this Court at a later point of time that there is no need for filing such an application for impleading the proposed Respondents in their representative capacities under Rule 2-A of Appendix V of the Rules, the amount incurred by the Petitioner for effecting paper publication will have to be reimbursed to him by the Contesting Respondents, who raised objections in this regard. The Petitioner is permitted to amend the cause title in respect of the proposed 6th Respondent as 'The Registrar' in the place of 'The Director'.

Registry is directed to carry out necessary amendment in the Cause Title and list the Writ Petition on 17.06.2019.

-sd/-

29/04/2019

/ TRUE COPY /

सत्यमेव जयते  
Sub Assistant Registrar ( Statistics / C.S. )  
High Court, Madras - 600 104.

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TO

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C.C. to M/S.V.B.R.MENON (PETITIONER-IN-PERSON) on payment of  
necessary charges

The Government Advocate, High Court, Madras - 104.

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Order  
in  
WMP.11551/2019  
in  
WP.23936/2017

Date :29/04/2019

From 26.2.2001 the Registry is issuing certified  
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RRI 06.05.2019 (IT)