

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.06.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.12126 to 12129 of 2018 and WMP No.14135, 14136, 14139, 14140, 14143, 14144, 14147, 14148 15519 of 2018

1. Dr.K.S.Sridhar,
2. Dr.G.Karunamoorthi ...Petitioner in all writ petitions

Versus

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Higher Education Department, Fort St. George,
Chennai 600 009.
2. The Vice Chancellor,
University of Madras,
Chepauk, Chennai 600 005.
3. Pachiyappa's Trust Board,
Represented by its Member Secretary,
Pachiyappa's Trust Board office,
Pachiyappa's College,
Chennai 600 030
4. Director of College of Education,
Office of the Director of College of Education,
9th Floor, E.V.K.Sampath Buildings,
College Road, 600 006.
5. The Selection Committee,
Represented by its Chairman,
Pachiyappa's Trust Board Office,
Pachiyappa's College,
Chennai 600 030

.. Respondents in all Writ petitions

Prayer in WP No.12126 of 2018 : Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified mandamus to call for the records in connection with the impugned circular of the 3rd respondent dated 20.04.2018 in proceedings Rc No.A1/682/2018 and quash the same as illegal arbitrary and not binding on the petitioners and consequently direct the 3rd respondent to issue a fresh Notification in

accordance with the regulation of the University Grants Commission, 2010 implemented by the University of Madras in proceedings No. A-II/MPV/UGC Regulation 2010/2018/564 to the post of Principal.

Prayer in WP No.12127 of 2018 : Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified mandamus to call for the records in connection with the impugned circular of the 3rd respondent dated 20.04.2018 in proceedings Rc No.A1/683/2018 and quash the same as illegal arbitrary and not binding on the petitioners and consequently direct the 3rd respondent to issue a fresh Notification in accordance with the regulation of the University Grants Commission, 2010 implemented by the University of Madras in proceedings No. A-II/MPV/UGC Regulation 2010/2018/564 to the post of Principal.

Prayer in WP No.12128 of 2018 : Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified mandamus to call for the records in connection with the impugned circular of the 3rd respondent dated 20.04.2018 in proceedings Rc No.A1/684/2018 and quash the same as illegal arbitrary and not binding on the petitioners and consequently direct the 3rd respondent to issue a fresh Notification in accordance with the regulation of the University Grants Commission, 2010 implemented by the University of Madras in proceedings No. A-II/MPV/UGC Regulation 2010/2018/564 to the post of Principal.

Prayer in WP No.12129 of 2018 : Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified mandamus to call for the records in connection with the impugned circular of the 3rd respondent dated 20.04.2018 in proceedings Rc No.A1/685/2018 and quash the same as illegal arbitrary and not binding on the petitioners and consequently direct the 3rd respondent to issue a fresh Notification in accordance with the regulation of the University Grants Commission, 2010 implemented by the University of Madras in proceedings No. A-II/MPV/UGC Regulation 2010/2018/564 to the post of Principal.

For Petitioner : Mr.S.Srinath
For Respondents : Mr.P.Raja
Government Advocate
for R1 and R4

Mr.P.V.S.Gridhar
for Mr.M.Devendran for R3 & R5
Mr.Stalin Abhimanyu

for R2

ORDER

All these writ petitions were filed by the same petitioners challenging the action of the 3rd respondent in making an advertisement to fill up the post of Principal in different colleges run by the said Trust Board, on the ground that the advertisement made is not in accordance with guidelines of the University Grant Commission prescribing the qualification and it has been made in an hurried and haste manner with an oblique motive by the 3rd respondent who is engaged in large scale corruption in running the Trust and also is not an authority to make such advertisement through a selection board/5th respondent, inasmuch as the same is not a properly constituted one.

2. It appears in this case, at the admission stage though this Court was not inclined to grant interim orders but later on interim order was passed not to proceed further during vacation. Thereafter, the matter was listed on 04.06.2018 and accordingly, on 04.06.2018, the matter was adjourned to 05.06.2018. When the matter was taken up for hearing on 05.06.2018, this Court substantially heard the matter from the side of the petitioners, so also, the 3rd respondent and again, the matter was posted to 06.06.2018 and on that day also, in the absence of learned counsel appearing for the petitioner one of the learned counsel who was appearing for the intervenor was heard on his behalf seeking leave of this Court, but when this Court was about to conclude the case, the learned Junior counsel for the writ petitioners submits that in the absence of learned senior counsel who was leading the same, requested for day more time be given to clarify this Court about the maintainability of the writ petition. Accordingly on his submission, the case was again posted to today i.e on 08.06.2018 as a First case. When the matter was called during 1st half of the sitting no one being present on behalf of the petitioner counsel and the learned respondent counsel submits to pass over the matter to give him opportunity and pass necessary order and accordingly, the matter was passed over. After the lunch time at 3.00pm, when the matter was taken up, a learned Junior Counsel appeared on behalf of the petitioner submits that a Division Bench has passed certain orders against the interim orders passed in this case, but unable to clarify what was the order passed and what is the number of the writ appeal. She only insisted for adjournment. The same was vehemently opposed by the learned counsel appearing for the 3rd respondent in view of the previous development as aforesaid.

3. Needless to say that this writ petition appears to be in the nature of Public Interest Litigation, inasmuch as

the petitioner challenging the selection process though they were not applicant and no where they have pleaded that they were prospective candidate and fixation of criteria different from the University Grant Commission guidelines as alleged, has debarred them from applying for the post, rather it is all along their case that the 3rd respondent is indulged in fraud and corruption in management of the institution and going to fill up the post in an illegal, arbitrary manner with the vested interest. Hence, this writ petition with the aforesaid prayer.

4. Be that as it may, since the matter was heard substantially for two occasions and the case was posted today just to satisfy the maintainability of the writ petition and none of the learned senior counsel appears and the learned junior counsel is not in a position to satisfy this Court about the order passed in the writ appeal and unable to furnish the number thereof, but the Junior Counsel appearing for the petitioners submits that since the writ appeal was disposed of and sought for an adjournment to furnish the copy thereof, though she was asked to call for the senior counsel to appraise this Court about the order passed in the writ appeal and did not make any sincere effort but only say that senior is busy in other court and hence, the case be adjourned, I am of the view that the petitioners are recalcitrant litigant and wants to drag the matter somehow or other, though an interim order has been passed in their favour. Considering the same, this Court is not inclined to adjourn the matter further and dismiss these writ petitions for non prosecution as no argument is advanced on merit today on the writ petitions. Consequently, the connected miscellaneous petitions are also closed.No costs.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

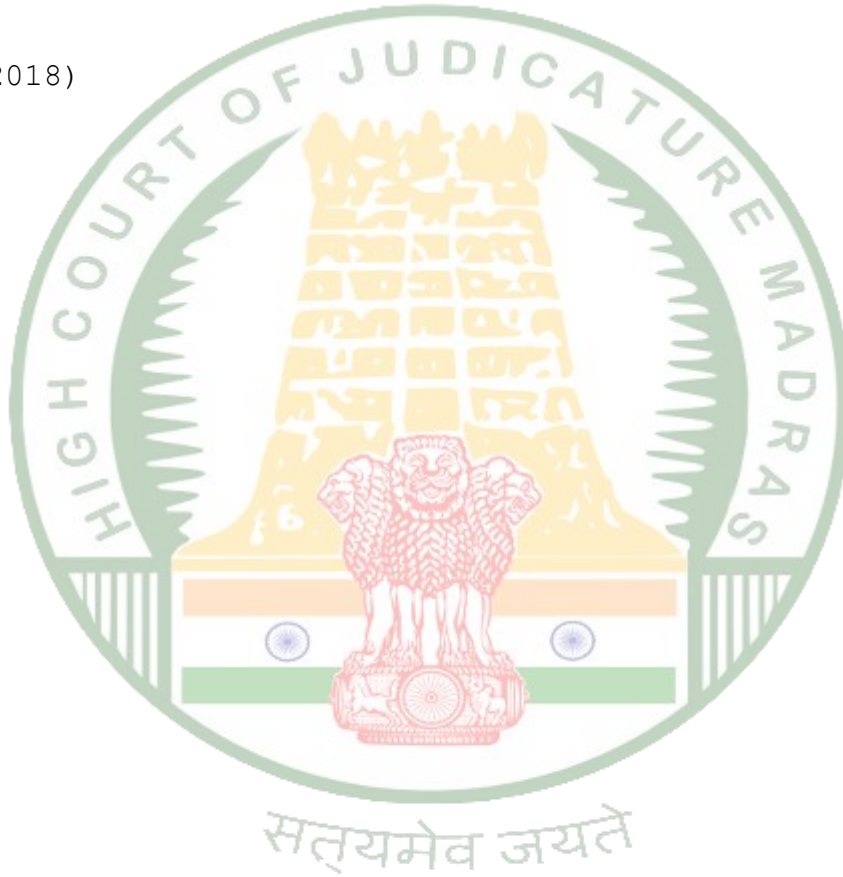
To

1. The Principal Secretary to Government,
Higher Education Department, Fort St. George,
Chennai 600 009.
2. Director of College of Education,
Office of the Director of College of Education,
9th Floor, E.V.K.Sampath Buildings,
College Road, 600 006.

+1 CC to Mr.V. Srinath, Advocate sr 36764.
+1 CC to Mr. Stalin Abhimanyu, Advocate sr 36310.
+1 CC to Govt. Pleader sr 36053.
+1 CC to Mr.M. Devendran, Advocate sr 35912.

W.P.No.12126 to 12129 of 2018

GMR (CO)
SP (21/06/2018)



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