

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.24137 of 2014

PAJANCOA & RI Teachers' Association,
(Registration No.356/2001),
Rep. by its Secretary,
Plot No.15, V Cross,
Nehru Nagar,
Karaikal - 609 605. Petitioner

.Vs.

1.Union of India,
Union Territory of Puducherry,
Rep. by the Chief Secretary to Government,
Government of Puducherry,
Puducherry - 605 001.

2.The Secretary to Government,
Dept. of Agriculture & Forests,
Govt. of Puducherry,
Puducherry - 605 001.

3.The Under Secretary to Government,
Department of Agriculture & Forests,
Govt. of Puducherry,
Puducherry - 605 001.

4.Pandit Jawaharlal Nehru College of
Agriculture & Research Institute,
Rep. by its Chairman,
Serumavilangai,
Nedungadu Post,
Karaikal - 609 603.

5.Dr.A.Baskar

6.Dr.P.Nasurudeen ... Respondents
(R5 & R6 Impleaded as per the order of this Court dated
15.10.2014 vide M.P.No.3 of 2014 in W.P.No.24137 of 2014)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Notification bearing No.514/CS(Agri)/A1/2014, dated 15.05.2014 on the file of the respondent No.3 and quash the same and consequently, direct the respondents to make recruitments to the post of dean in the fourth respondent Institute only in accordance with the Recruitment Rules framed for the said post in accordance with the Pandit Jawaharlal Nehru College of Agriculture & Research Institute (Karaikal) Society Rules & Regulations, published in the Supplement to the Gazette No.28 dated 10.07.2001 of the Gazette of Puducherry and in force.

For Petitioner: Mr.T.P.Manoharan,
Senior Counsel for Mr.T.M.Naveen

For R1 to R3 : Mr.Syed Mustafa,
Government Pleader (Pondy)

For R4 : Mr.Manisundar Gopal

For R5 & R6 : Mr.V.M.G.Ramakkannan

O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records relating to the Notification bearing No.514/CS(Agri)/A1/2014, dated 15.05.2014 on the file of the respondent No.3 and quash the same and consequently, direct the respondents to make recruitments to the post of dean in the fourth respondent Institute only in accordance with the Recruitment Rules framed for the said post and in accordance with the Pandit Jawaharlal Nehru College of Agriculture & Research Institute (Karaikal) Society Rules & Regulations, published in the Supplement to the Gazette No.28 dated 10.07.2001 of the Gazette of Puducherry and in force.

2. According to the learned counsel for the petitioner, PAJANCOA & RI Teachers' Association, represented by its Secretary has filed the writ petition before this Court, challenging the impugned notification by contending that the fourth respondent Institute has not followed the procedure as contemplated under Rule 18(1) of the Rules and Regulations of the fourth respondent Institute. Therefore, the entire notification is liable to be set aside.

3.The learned counsel appearing for the fourth respondent would submit that pursuant to the interim order granted by this Court in various writ petitions filed by the Association, the individual writ petitioners has to follow the procedure under the Rules and Regulations of the fourth respondent for getting an approval from the Government for issuing notification for the recruitment to the fourth respondent Institute.

4.The learned counsel appearing for the fifth and sixth respondents would submit that the petitioner is an association and the writ petition filed challenging the impugned notification is not maintainable in the light of the decision rendered by this Court. It is further submitted that one of the office bearer namely, Dr.K.Omar Hattab, Executive Member of the Association, who appeared for the selection process and he was un-successful at the instance of Association has filed a writ petition before this Court, challenging the notification after the entire selection process was completed. The fifth respondent was selected and the copy of the same was forwarded to the Government. Therefore, at this stage, filing the writ petition stalling the entire proceedings of the fifth respondent is liable to be rejected. Therefore, the writ petition is liable to be dismissed as not maintainable.

5.The learned Government Pleader appearing for the respondent Nos.1 to 3 would submit that the fourth respondent has issued the impugned notification without following the procedures contemplated under the Rules and Regulations of the fourth respondent Institute. According to him, the 4th respondent has to obtain an approval from the Government. Therefore, the impugned notification issued by the fourth respondent cannot be sustained.

6.Further contention of the learned Government Pleader is that now the stand taken by the fourth respondent is, the selection process will be commenced after complying the procedure under the Rules and Regulations.

7.According to the learned counsel for the petitioner, the writ petition filed by the Association is maintainable and the writ petition is filed because of the injustice caused to the petitioner's Association. The impugned notification issued by the fourth respondent is purely contrary to the Rules and Regulations. Therefore, to secure the interest of principles of the Association, the writ petition is maintainable.

8.The learned counsel for the fourth respondent submitted that being an aggrieved person, the writ petitioner's Association has no locus standi to seek a direction to quash the

impugned notification issued by the third respondent. Therefore, the writ petition is liable to be dismissed as not maintainable.

9.The learned counsel for the petitioner relied upon the Judgment of the Hon'ble Supreme Court of India in the case of Dr.Kashinath G. Jalmi and another /Vs./ The Speaker and others reported in 1993 2 SCC 703.

10.The learned counsel for the respondent Nos.5 & 6 relied upon the decision of the Hon'ble Supreme Court of India in the case of Vijendra Kumar Verma /Vs./ Public Service Commission, Uttar Pradesh and others reported in 2011 1 SCC 150. He has also relied upon the decision of this Court in the case of Cable T.V. Operators Association of Tamizhagam /Vs./ Commissioner of Police, Greater Chennai, Egmore, reported in 2011 (4) CTC 369.

11.Considering the facts and circumstances of the case, this Court feels that on the basis of the violation of the fundamental rights, the writ petition filed by the Association is not maintainable. This Court has relied upon the decision rendered by this Court in the case of Cable T.V. Operators Association of Tamizhagam /Vs./ Commissioner of Police, Greater Chennai, Egmore cited supra, wherein, this Court has held that the Court is empowered to take cognizance of offence only upon a written complaint made by aggrieved person and authorised officer and a person will not have locus standi unless personally affected by impugned act or his fundamental rights invaded or there is an imminent danger of such rights being invaded. Petitioner/Association cannot have personal grievance in the matter.

12.Accordingly, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chief Secretary to Government,
Union of India,
Union Territory of Puducherry,
Government of Puducherry,
Puducherry - 605 001.

2.The Secretary to Government,
Dept. of Agriculture & Forests,
Govt. of Puducherry,
Puducherry - 605 001.

3.The Under Secretary to Government,
Department of Agriculture & Forests,
Govt. of Puducherry,
Puducherry - 605 001.

4.The Chairman,
Pandit Jawaharlal Nehru College of
Agriculture & Research Institute,
Serumavilangai,
Nedungadu Post,
Karaikal - 609 603.

+1cc to Mr.K.P.Jotheeswaran, Advocate, SR.No.40462

+1cc to Mr.V.M.G.Ramakkannan, Advocate, SR.No.40802

+1cc to the Govt.Pleader, Vide Sr.No.40846

W.P.No.24137 of 2014

Kak(08/08/2019)



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