



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.07.2019
CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

WEB COPY

W.P. (MD) .No.3718 of 2014
and
M.P. (MD) Nos.1 to 3 of 2014

B.Poonguzali

... Petitioner

-Vs-

1.The Vice-Chancellor,
Tamil Nadu Agricultural University,
Coimbatore-641 003.

2.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore-641 003.

3.The Comptroller,
Tamil Nadu Agricultural University,
Coimbatore-641 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to call the petitioner for the interview to the post of "Assistant Professor" and appoint her in the said post as per the Advertisement caused by the 2nd respondent in Advertisement No.R3/01 (Regular Vacancies) 2013 dated 09.09.2013.

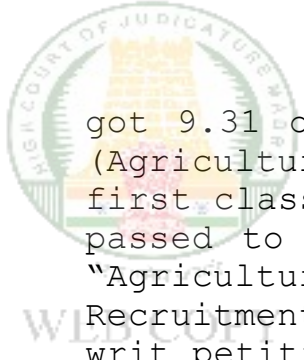
For Petitioner : Mr.M.R.S.Prabhu

For Respondents : Mr.A.Thirumurthy

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondent to call the writ petitioner for interview to the post of Assistant Professor and appoint her in the post of Assistant Professor in Tamil Nadu Agricultural University.

2.The writ petitioner states that she completed M.Sc., (Agriculture) in the Tamil Nadu Agricultural University in the year 2008. The petitioner got 7.97 over all grade point average (G.P.A) out of 10 G.P.A. in B.Sc., (Agriculture). The petitioner

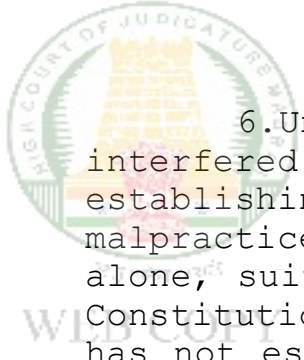


got 9.31 over all grade point average out of 10 G.P.A in M.Sc., (Agriculture). The writ petitioner passed both the degrees in first class and she belongs to backward community. The petitioner passed to the National Eligibility Test (NET) in the subject of "Agricultural Extension" conducted by the Agricultural Scientists Recruitment Board (ICAR) at New Delhi in the year 2001. Thus, the writ petitioner claims that she is fully qualified for appointment to the post of Assistant Professor in Tamil Nadu Agricultural University. Pursuant to the recruitment notification, the writ petitioner submitted an application to participate in the process of selection. However, the application itself was rejected by stating that "M.Sc., (AG+NAT no NAAS latest article publication) so not eligible". The authorities competent arrived a conclusion that the publication made by the writ petitioner was not falling within the NAAS. Therefore, she was not eligible even to participate in the process of selection.

3.The learned counsel for the writ petitioner states that the writ petitioner made a publication through Gandhi Gram University and which is designated at NAAS and therefore, the finding of the competent authorities is erroneous and therefore, the case of the writ petitioner is to be considered.

4.This Court is of the considered opinion that any such cases of selection, the relief can be granted during the appropriate time. The selection is of the year 2013 and the selection was over and the selected candidates were appointed and in service for the past about six years. The writ petitioner admittedly was not even permitted to attend the interview. Under these circumstances, this Court cannot direct the authorities to conduct a fresh interview for appointment to the post of Assistant Professor in Tamil Nadu Agricultural University. It is an unfortunate situation that on account of the long pendency of the litigations, the litigants are unable to get appropriate relief from the Courts. This apart, the writ petitioner also has not established any malpractice or corrupt activities in the process of selection.

5.The learned counsel appearing on behalf of the respondents opposed the contentions of the writ petitioner by stating that the selection was conducted in accordance with the procedures contemplated and there was no violation. The Thesis, Publications submitted by the writ petitioner was scrutinised by the competent authorities and they have arrived a finding that the publication is not falling within the NAAS. This being the factum, the candidature of the writ petitioner was rejected as not eligible. This being the findings, now the writ petitioner cannot



6.Undoubtedly, the process of selection cannot be interfered with in a routine manner. Only in the event of establishing that there is an irregularity, illegality, malpractice or corrupt activities in the process of selection then alone, suitable directions can be issued under Article 226 of the Constitution of India. In the present case, the writ petitioner has not established any such allegations. The assessment made by the competent authorities at the time of scrutinising the application cannot be re-adjudicated after a lapse of six years from the completion of the selection process. This being the factum, the relief as such sought for by the petitioner cannot be granted after this length of time.

7.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

TO

1.The Vice-Chancellor,
Tamil Nadu Agricultural University,
Coimbatore-641 003.

2.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore-641 003.

3.The Comptroller,
Tamil Nadu Agricultural University,
Coimbatore-641 003.

+1cc to Mr.A.THIRUMURTHY ,Advocate, SR.No.75921

sjj/am
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NA (29.07.2019) 3P : 5C