



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P(MD)NO.15348 OF 2016

and

W.M.P(MD)Nos.11309 and 11310 of 2016

Dr.P.Chitra

:Petitioner

.vs.

1.The Secretary to Government,
Higher Education Department,
Secretariat,
Chennai.

2.The Director,
Director of Technical Education,
Guindy,
Chennai - 600 025.

3.The Principal,
Thiagarajar College of Engineering,
Thirupparankundram,
Madurai - 625 015.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned orders of the second respondent made in Letter No.11101/A4/2013, dated 13.4.2015 and consequential proceedings in Letter No.21307/A4/2015, dated 16.2.2016 and to quash the same and consequently to direct the respondents 1 and 2 to approve the appointment of the Petitioner in the post of Professor at the third respondent/College in Computer Application Department.

For Petitioner

:Mr.R.Murali

For Respondents

:Mr.C.M.Mari Chelliah Prabhu
Addl.Govt.Pleader

1 and 2

For Respondent-3

:Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates



O R D E R

This Writ Petition has been filed seeking to quash the impugned order passed by the second respondent in Letter No.11101/A4/2013, dated 13.4.2015 and the consequential proceedings in Letter No.21307/A4/2015, dated 16.2.2016 and consequently to direct the respondents 1 and 2 to approve the appointment of the Petitioner in the post of Professor at the third respondent/College in Computer Application Department.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.In response to the notification calling for direct recruitment to the post of Professor in Computer Application, the Petitioner herein was selected and when the selection was sent for approval, the same came to be rejected through the impugned order on the ground that the Petitioner herein is an internal candidate and her mode of appointment to the post of Professor would be through promotion only.

4.The learned counsel for the Petitioner would submit that though the Petitioner herein is employed as an Assistant Professor in the third respondent/College, she had participated in the direct recruitment as a private candidate and therefore, in view of the method of recruitment under the Tamil Nadu Education Service Rules, there is no bar for her to participate in the selection process.

5.The learned Additional Government Pleader, on the other hand, would submit that even the fourth respondent herein had treated the Petitioner to be an internal candidate since the Petitioner already employed with them as an Assistant Professor and for filling up the post of Professor, for such internal candidates, the mode of recruitment is only through promotion and therefore there is no infirmity in the impugned order.

6.The learned Standing Counsel appearing for the third respondent also would submit that the method of selection process was only through direct recruitment and that the recruitment process was duly followed as per the procedures.

7. I have given careful consideration to the submissions made by the respective counsels.

8.It is not in dispute that the Petitioner had possessed the necessary qualification for the advertised post of Professor and that the only reason cited by the respondents for rejecting the Petitioner's selection is that under Rule 8 of the Tamil Nadu Educational Service Rules, the mode of recruitment for the post of recruitment in Engineering Colleges is through promotion.



9. There is no bar under the service rules to forbear an internal candidate in participating in the direct recruitment. This aspect has not been denied in the counter affidavit. While that being so, the Petitioner's participation in the selection process cannot be questioned. As a matter of fact, among the methods of recruitment for the post of Professor, as envisaged under Rule 8 of Tamil Nadu Educational Service Rules, is also through direct recruitment. While that being so, the present stand taken by the respondents 1 and 2 that the Petitioner could be treated only as an internal candidate has no foundation at all. Consequently, it can only be held that the entire selection process was in conformity with the rules and regulations and thereby, the rejection of the Petitioner's selection cannot be sustained.

10. In the light of the above observations, the impugned order passed by the second respondent in Letter No.11101/A4/2013, dated 13.4.2015 and the consequential proceedings in Letter No.21307/A4/2015, dated 16.2.2016 are set aside. Consequently, the second respondent is directed to approve the appointment of the Petitioner to the post of Professor with the third respondent/College in Computer Application Department, as expeditiously as possible, in any event, within a period of four weeks from the date of receipt of a copy of this order.

11. The Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

1. The Secretary to Government,
Higher Education Department,
Secretariat, Chennai.
2. The Director,
Director of Technical Education,
Guindy, Chennai - 600 025.
3. The Principal,
Thiagarajar College of Engineering,
Thirupparankundram, Madurai - 625 015.

+1 CC to M/s.SPL GP (SR-103589[F] dated 05/12/2019)

ORDER MADE IN W.P(MD)NO.15348 OF 2016
and W.M.P(MD)Nos.11309 and 11310 of 2016

03.12.2019

SMA/18/12/19/3P/5C

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