IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.35217 of 2013

1. V.Chandrasekar
2. S.Geethanjali
3. R.Shanmugam
4. T.Arivelarasan
5. C.Lawrence Prabu
6. Dr.V.Sanjivkumar
7. R.Rajasekaran
8. A.Ravanachandar
9. P.Mohanraj
10. S.Vinodh
11. S.Jayarani
12. R.Arulmari
13. T.Tangadurai
14. M.Baskar
15. J.Sekar
16. P.Kandasamy
17. S.Mageshkannan
18. M.Umanath
19. P.Vidya
20. S.Sivagnanam
21. R.Balamurugan
22. A.Mahadevan
23. R.Mutuvijayaraghavan
24. S.Prabhu
25. R.Ramamoorthy
26. S.Vinothkumar
27. V.Davidchellabaskar ... Petitioners

vs.

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

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records relating to the Notification dated 18.12.2013 in Advertisement No.R3/01/(Regular Vacancies)/ 2013 (Revised) in their website "www.tnau.ac.in" on the file of the Respondent herein and to quash the same and to direct the

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Respondent to adhere to the G.O.Ms.No.241, dated 29.10.2007 Personal and Administrative Reforms (K) Department and G.O.Ms.No.55, dated 08.04.2010 Personal and Administrative Reforms (S) Department, and selecting of candidates for the posts of Assistant Professor within the time frame.

For Petitioners: Mr.P.Raja
For Respondent : Mr.Abdul Saleem

ORDER

According to the Petitioners, they are qualified in M.E., M.Tech., M.Sc. and have also done Ph.D. in their respective fields and they are qualified to be appointed as Assistant Professors in the Respondent University. Challenging the Notification dated 18.12.2013 in Advertisement No.R3/01/(Regular Vacancies)/2013 (Revised) in their website "www.tnau.ac.in" on the file of the Respondent herein and for a direction to the Respondent to adhere to G.O.Ms.No.241, Personal and Administrative Reforms (K) Department, dated 29.10.2007 and G.O.Ms.No.55, Personal and Administrative Reforms (S) Department, dated 08.04.2010 and to select candidates for the post of Assistant Professor, Petitioners have come up with the above Writ Petition.

2. Learned counsel for the Petitioners contended that, the Notification issued by the Respondent has not been properly issued and that, the Respondent ought to have issued the same by following the 200 point roster system.

3. Learned Standing Counsel appearing for the Respondent/University submitted that, the Notification was issued by the Respondent as per the Roster system prescribed in the Recruitment Rules and that, Petitioners herein cannot ask the Respondent/University to follow the 200 Point Roster system, without having any Rules in this regard.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. It was brought to the notice of this Court by the learned Standing Counsel appearing for the Respondent/University that, the issue in question is squarely covered by a decision of this Court rendered in W.P.No.5367 of 2014, by an order dated 18.12.2013. Relevant paragraphs of the said decision reads thus:

> "4. In paragraph No.7 of the counter affidavit, it has been stated that the Notification dated 18.12.2013, was issued adhering to the discipline-wise Roster system following the Rules and Regulations applicable in issuance of such Recruitment Notifications. In this regard, the Government also issued G.O.Ms.No.65 P & AR Department

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dated 27.05.2009, in respect of the Rule of Reservation and the same has to be scrupulously followed in the Notification and in the subsequent selection process.

5. The selection Notification cannot be challenged at the whims and fancies of the candidates. The Notification for selection can be challenged only on exceptional circumstances, viz. if there is any violation of statutory provisions or if there are any mal-practices in issuance of such notification. In the absence of any such legal grounds, the notification issued in consonance with the Rules in force, cannot be questioned nor any such writ can be issued against the said Notification.

6. In the case on hand, the writ petitioners are unable to establish that their claim for implementing 200 point Roaster system is not traceable under any law or in the Recruitment Rules. In the absence of any such Rules in force, the writ petitioners cannot seek any direction from this Court to implement the 200 point Roster system as per their suggestion and to suit their convenience. Such a writ petition is totally unsustainable and this Court cannot consider the prayer as such sought for in this Writ Petition.

Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed."

6. In the light of the said decision, this Court is of the view that, Petitioners herein cannot seek any direction from this Court to implement the 200 point Roster system as per their suggestion and to suit their convenience. Accordingly, the Writ Petition stands dismissed, as devoid of merits. No costs. Consequently, connected M.P.No.3 of 2013 is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To:

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

W.P.No.35217 of 2013

MG(CO)
RMP(14/12/2020)

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