

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6279 of 2013

V.K.Loganathan

...Petitioner

Vs.

1.The Indian Institute of Technology
Reg. by its Director,
Chennai - 600 036.

2.Mr.Sriram

3.The Registrar
The Indian Institute of Technology,
Chennai - 600 036.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records from the file of the 3rd respondent made in Announcement No.IITM/RA/10/2012 dated 17.12.2012, so far as to the promotional post of Assistant Registrar and quash the same and further direct the respondents to suitably modify the eligibility criteria so as to accommodate the petitioner for the consideration to the promotional post of Assistant Registrar of the 1st respondent Institute.

For Petitioner : Mr.V.Ashok Kumar
For Respondents : Mr.Karthik Rajan

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records from the file of the third respondent made in Announcement No.IITM/RA/10/2012 dated 17.12.2012, so far as to the promotional post of Assistant Registrar and quash the same and further direct the respondents to suitably modify the eligibility criteria so as to accommodate the petitioner for the consideration to the promotional post of Assistant Registrar of the first respondent Institute.

2.The case of the petitioner is that the petitioner joined the first respondent institute on 14.05.1980 as Helper and was promoted as Store Attendant on 24.08.1981 and was subsequently promoted as Store Keeper on 03.06.1992. He was given financial upgradation on completion of 12 years with effect from 03.06.2004 and career progression on 10 + 10 + 10 years basis was also given. Pursuant to the announcement issued by the third respondent dated 17.12.2012, the petitioner applied for the promotional post of Assistant Registrar on 03.01.2013. Though many of the petitioner's junior were given call letter for the interview to the said post, the petitioner was not given the call letter. However, he was orally informed that he will not be called for interview because he has not completed 10 years as Junior Superintendent. Aggrieved by the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner reported 'no instructions'.

4.The learned counsel appearing for the respondents would submit that the petitioner did not challenge the eligibility criteria mentioned in the announcement at the first given instance, instead took a chance and submitted his application and thereafter after rejection of his application, filed the writ petition. He would further submit that a letter dated 06.03.2013, rejecting his application, was issued to the petitioner prior to the petitioner filing the writ petition. He would further submit that the upgradations granted to the petitioner have no bearing on the announcement dated 17.12.2012 issued by the respondent.

5.The learned counsel appearing for the respondents would further submit that the eligibility criteria was fixed by the respondent keeping in view the needs of the post and to provide a channel for in-service candidates to progress in their career in the Indian Institute of Technology. He would further submit that fixation of eligibility criteria is an administrative function in the exclusive domain of the administration and the same cannot be interfered with unless it is found to be manifestly arbitrary, discriminatory or violative of Article 14 of the Constitution of India.

6.The affidavit filed by the petitioner disclose that the petitioner did not satisfy the eligibility criteria fixed by the respondents. The only grievance of the petitioner is that if the upgradation was taken into consideration, he would have been

given call letter to participate in the interview. However, the counter affidavit reveals that from the service details furnished by the petitioner, it is known that the petitioner does not have the experience of ten years as mandated in the announcement and the same was also intimated to the petitioner.

7. When several persons are available to compete the promotional post the competent Authority cannot give any lenience to the petitioner alone. Further, the interview was conducted in the year 2013 itself and successful candidates were appointed in the said post. Hence, no further adjudication is necessary in this writ petition.

8. The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
The Indian Institute of Technology
Chennai - 600 036.

2. The Registrar
The Indian Institute of Technology,
Chennai - 600 036.

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RSV(CO)
KKV/06/08/2020

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