

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No. 15545 of 2020
and
WM.P.Nos.19403 & 19406 of 2020

M.Velmurugan.

.. Petitioner

vs.

1. Union of India,
rep. By Government of Puducherry,
Chief Secretariat,
Puducherry - 605 001
2. Government of Puducherry,
rep. By its Secretary,
Educational Department,
Puducherry - 605 001.
3. The Principal,
Pondicherry Engineering College, (P.E.C.)
Kalapet,
Puducherry - 605 014. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the proceedings of the 3rd respondent vide their Notification No.PEC/Esst(T)/ E1/2020 No.1508 dated 25.09.2020 and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.D.Sreenivasan
For Respondents : Mr.Stalin Abimanyu
Government Pleader (P)

O R D E R

The matter is taken up through web hearing.

2. This writ petition has been filed seeking to issue a Writ of Certiorari to call for the records pertaining to the proceedings of the 3rd respondent vide their Notification No.PEC/Esst(T)/E1/2020 No.1508 dated 25.09.2020 and quash the same as illegal, incompetent and ultravires.

3. The case of the petitioner is that he had applied in response to the notification issued by the 3rd respondent College on 01.02.2005 and 13.03.2008 for recruitment to the post of Helper against 38 vacancies. However, in pursuant to the notification/ advertisement, the vacancies were not filled up during that time. Subsequently, in 2010, 24 persons illegally came to be appointed by the 3rd respondent which was the subject matter of dispute before this Court filed by the petitioner and another person in W.P.No.16816/2012. The writ petition was disposed of on 10.02.2017 directing to issue appointment order to the petitioner to the post of Helper in pursuant to his participation in the earlier selection.

4. Against a single Judge order, writ appeal was filed in W.A.Nos.971 and 989 of 2017. On 27.06.2018, the appeals were disposed of as under.

"27. We restrain the appellants from engaging employees in the Pondicherry Engineering College either by way of daily rated/ consolidated pay or on contract basis till the posts earmarked for scheduled caste are filled up following a transparent selection process. In view of the direction given by the Hon'ble Supreme Court in Uma Devi (supra), the appellants are restrained from regularising the service of Helpers or employees working in any other non-sanctioned posts, in case those appointments were not through Employment Exchange or by resorting to an open selection process, envisaged by Article 14 and 16 of the Constitution of India.

28. The intra Court appeals are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed."

5. According to the petitioner, the orders passed in the appeals were not complied with and therefore, Contempt Petition in Cont.P.No.509 of 2020 was filed and the same is pending.

6. The present grievance of the petitioner is that without complying with the directions of the order passed by the Division Bench and the learned single Judge, the 3rd respondent issued a notification on 25.09.2020 calling for applications for engagement as Guest faculty on temporary basis for the academic year 2020-21. Challenging the notification, the writ petition has been filed.

7. This Court is unable to appreciation as to how the petitioner can challenge the present notification which actually called for application for appointment of Guest faculty in the

3rd respondent institution. How far the petitioner is aggrieved by such notification and what is his interest in challenging the said notification is completely absent in the affidavit.

9. Even otherwise, the petitioner cannot be allowed to challenge the notification seeking to appoint the lecturers post when his concern was only appointment against the post of Helper. Therefore, by challenging the present notification, the petitioner is attempting to achieve a co-lateral purpose. In that view of the matter, the writ petition lacks in bonafides and more so, it appears to be a mischievous attempt to highlight his so called grievances in challenging the present notification, for which, he has no stakes at all.

10. In the present circumstances, this Writ Petition is dismissed. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi
To

1. Union of India,
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Puducherry - 605 001
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Educational Department,
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3. The Principal,
Pondicherry Engineering College, (P.E.C.)
Kalapet,
Puducherry - 605 014.

W.P.No.15545 of 2020

RP (CO)
RMP (03/12/2020)