



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD).No.1075 of 2013

and

M.P.(MD).No.2 of 2013

WEB COPY

R.Vinodhkumar

... Petitioner

-Vs-

1.The Chancellor,  
Bharathidasan University,  
Raj Bhavan,  
Guindy, Chennai-600 025.

2.The Vice-Chancellor,  
Bharathidasan University,  
Palkalaiperur,  
Trichirapalli-620 024.

3.The Registrar,  
Bharathidasan University,  
Trichirapalli-620 024.

4.M.Mirunalini,  
Assistant Professor,  
Department of Educational Technology,  
Khajamalai Campus,  
Bharathidasan University,  
Trichirapalli-620 024.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the minutes issued by the 2<sup>nd</sup> respondent in his proceedings No.210<sup>th</sup> Syndicate Meeting, dated 22.12.2012 in so far as the appointment of the fourth respondent as Assistant Professor in Educational Technology is concerned and quash the same as illegal and consequentially to direct the respondents to consider the petitioner for appointment to the said post under SC-A Category within the period that may be stipulated by this Honourable Court.

For Petitioner : Mr.Mohamed Imran  
for M/s.Ajmal Associates

For R1 to R3 : Mr.VR.Shanmuganathan  
Special Government Pleader

For R4 : No Appearance



**ORDER**

The minutes passed by the second respondent in the Syndicate Meeting, dated 22.12.2012, regarding the appointment of the fourth respondent as Assistant Professor, is under challenge in the present writ petition.

2.The petitioner states that he belongs to Schedule Caste Arunthathiyar (SC-A) Category. He has completed B.Sc., (Geography) during 2004 and M.Sc., (Geography) in 2006. The petitioner completed B.Ed., during 2007, M.Ed., (Education) in 2008 and M.Phil., (Education) in 2009. He passed NET/SET (Geography) during 2006. He appeared for NET (Education) during 2012 and the result was published on 18.09.2012. The third respondent invited applications from the eligible candidates for appointment to the sanctioned posts of Assistant Professor in Educational Technology vide notification dated 22.08.2012.

3.It is pertinent to note that the notification was issued on 22.08.2012 and the writ petitioner had completed his NET (Education) on 18.09.2012. Thus, after the issuance of recruitment notification by the third respondent, the writ petitioner had completed his NET (Education). Though he appeared in the examination in June 2012, the result was published on 18.09.2012. Thus for all purposes, he completed NET examination only after the issuance of recruitment notification by the third respondent.

4.The learned counsel appearing on behalf of the writ petitioner made a submission that the fourth respondent was appointed an extraneous consideration. The fourth respondent had not even submitted his application for recruitment. Thus, the entire appointment was corruptive and the appointment was provided to mandate who had not even applied, pursuant to the recruitment notification.

5.The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 disputed the said contentions by stating that the writ petitioner is not at all qualified for appointment to the post of Assistant Professor as per the recruitment notification. He was not possessing the requisite qualification as per the UGC Regulations. Thus his candidature was rejected and the fourth respondent was appointed. Thus, the unqualified writ petitioner has no *locustandi* to quash the appointment of the fourth respondent.

6.This Court is of the considered opinion that the ineligibility of the writ petitioner has been narrated in Paragraph No.5 of the counter, which reads as under:-





11. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

*sjj*

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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NR (16/10/2020) 4P : 4C