



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.4396 of 2014

and

M.P. (MD)Nos.1 to 3 of 2014

WEB COPY

K.Jayanthi

... Petitioner

Vs.

1.The Joint Director of College Education,
Tirunelveli Region, Tirunelveli.

2.The Lekshsmipuram College of Arts and Science,
Neyyoor, Kanyakumari District,
Tamil Nadu,
represented by its Secretary.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the advertisement of the second respondent dated Feb.05, 2014 published in the New Indian Express, dated 06.02.2014 and quash the same with regard to the Serial No.9 calling for application to the post of Assistant Professor in English and consequently direct the respondents to regularize the petitioner's service as Assistant Professor in English within the time frame that may be stipulated by this Court.

For Petitioner	:	Mr.S.C.Herold Singh
For Respondents	:	Mr.P.Mahendran
		Additional Government Pleader
		for R.1
	:	Mr.F.X.Eugene
		for R.2

ORDER

The recruitment notification issued by the second respondent College inviting applications for selection to the post of Assistant Professor is under challenge in the present writ petition. The recruitment notification was issued on 06.02.2014. The process of selection was concluded long back and therefore the cause arose for filing the present writ petition did not exist as of now. This apart, the writ petition is filed seeking regularization in the post of Assistant Professor in English.

2. The petitioner claims that she joined M.A.English Literature at Sri Ayyappa College for Women, Chunkkankadai during the academic year 1993-1995. In view of the fact that she was appointed by the



second respondent College during the year 2000, she should be regularized in the post of Assistant Professor.

3. The regularization can never be claimed as a matter of right. Appointment and regularizations are to be done strictly in accordance with the service rules in force. The appointment to the post of Assistant Professor in a College is to be made by following the qualifications and the procedures prescribed under the University Grants Commission regulations. The service rules in this regard is also to be followed while undertaking the process of selection.

4. In the present case, the recruitment notification was issued and the applications were invited in the year 2014. Thereafter, the selection was completed. Mere temporary appointment of the writ petitioner as Assistant Professor, the writ petitioner cannot seek for regularization as a matter of right. The petitioner should undergo the process of selection for regular appointment. This being be the principles to be followed, the relief as such sought for in the present writ petition deserves no merit for consideration. This apart, another writ petition in W.P.No.9295 of 2014, filed by the writ petition was dismissed. The said writ petition was filed challenging the selection. In this view of the matter, no further adjudication needs to be undertaken. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

To

The Joint Director of College Education,
Tirunelveli Region, Tirunelveli.

+1 CC to M/s.F.X. EUGENE, Advocate (SR-19725[F] dated 12/10/2020)

+1 CC to M/s.GP (SR-19625[F] dated 09/10/2020)

W.P. (MD)No.4396 of 2014

08.10.2020

MR (CO)

AP(19/10/2020) 2P 4C

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