

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P.No.981 of 2014 & M.P.Nos.1 & 2 of 2014 &
W.M.P.No.3855 of 2017

Madras University SC/ST Faculties Association,
[Reg. No.286 of 2010]
Represented by its Secretary Dr.Kathiravan
Tholkappiar Campus, Chepauk, Chennai - 600 005.

... Petitioner

Vs.

1. The Vice Chancellor,
University of Madras,
Centenary Buildings,
Chepauk, Chennai - 600 005.
2. The Registrar,
University of Madras,
Centenary Buildings,
Chepauk, Chennai - 600 005.
3. The State of Tamil Nadu
Represented by its Secretary to Government,
Higher Education Department,
Fort St. George, Chennai - 600 009.
4. The Director,
Adi Dravidar Welfare Department,
Ezhilagam, Chepauk, Chennai - 600 005.
5. The National Commission for Schedule Castes,
(State Office - Tamil Nadu and Pondicherry UT),
Government of India, Floor No.2 - Block No.5,
Shastri Bhavan, Nungambakkam,
Chennai - 600 006. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1 and 2 respondents to really identify the back log vacancies of SC/ST in all the departments of the University in the post of Professor, Associate Professor and Assistant Professor and to fill up the same at the earliest by issuing a special recruitment notification before proceeding to fill up the 95 posts of Assistant Professor in the University Departments as advertised in the notification issued on 15.12.2013.

For Petitioner : Mr.K.Rajasekaran
For Respondent : Mr.Stalin Abimanyu - R1 & R2
Mr.R.Selvam,
Government Advocate - R3 & R4

ORDER

The petitioner Association has filed this writ petition seeking a direction to the respondents to identify the back log vacancies and fill up the same at the earliest by issuing a special recruitment notification before proceeding to fill up the 95 posts of Assistant Professor in the University Departments as advertised in the notification issued on 15.12.2013.

2. Upon notice, a detailed counter affidavit has been filed by the second respondent, inter alia stating that the University has advertised and filled up teaching posts in various departments during the years 2004-2008 including posts reserved for Scheduled Caste candidates; 32 SC appointments were made in 27 departments during the above period; No ST candidates were appointed, as their turn in the roster comes in 50th turn; 32 SC appointments in 27 departments were appointed in those 5 years i.e. from 2004 to 2008; and as such, there is no backlog vacancy in respect of SC/ST communities.

3. Today, when the matter was taken up for hearing, reiterating averments made in the counter affidavit, the learned counsel for the respondents 1 and 2 submitted that the back log vacancies had already been filled up and hence, nothing survives for adjudication.

4. In view of the aforesaid submission made by the learned Additional Government Pleader appearing for the respondents, this Court is of the opinion that the writ petition is liable to be dismissed, as having become infructuous. At this juncture, it is noteworthy to refer the observation of the Supreme Court in Dharti Pakar Madan Lal Agarwal v. Rajiv Gandhi [1987 AIR 1577], wherein, it was observed that "Court should not undertake to decide an issue unless it is a living issue between the parties. If an issue is purely academic in that its decision one way or the other would have no impact on the position of the parties, it would be waste of public time to engage itself in deciding it".

5.In such view of the matter, this writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vrc
To

1. The Vice Chancellor,
University of Madras,
Centenary Buildings,
Chepauk, Chennai - 600 005.
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Shastri Bhavan, Nungambakkam, Chennai - 600 006.

+1 cc to Government Pleader Sr.No. 14163

W.P.No.981 of 2014

SVI (CO)
A.SK(22.06.2021)

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