



W.A.(MD) No.204 of 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2021

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

W.A. (MD) No.204 of 2008

and

M.P. (MD) No.1 of 2014

Dr.M.Arunachalam

... Appellant/Petitioner

-vs-

1.Manonmaniam Sundaranar University
By its Registrar
Abishekapatti
Tirunelveli-627 012

2.The Selection Committee
Rep.by its Vice Chancellor
Manonmaniam Sundaranar University
Abishekapatti
Tirunelveli-627 012

3.Dr.A.Mohandoss

4.Dr.E.Uday Bashara Reddy

5.Dr.S.Panagali

6.Dr.N.Chandrasekar

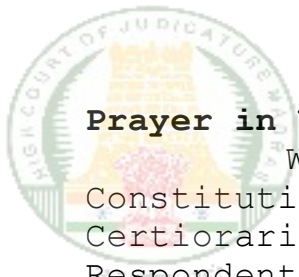
7.Dr.P.Kannappan

8.Dr.A.G.Murugesan

... Respondents/Respondents

Prayer:-

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 29.02.2008, passed in W.P.(MD) No.7130 of 2007, on the file of this Court.



Prayer in WP(MD). 7130/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent University resolution in agenda No. 1, item no. B dt. 20/08/2007, quashes the same and consequently direct the 1st respondent to fill up the post of Professor in the department of Environmental Sciences in accordance with law.

For Appellant :Ms.D.Geetha

For Respondents:Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates for R1 & R2

Mr.S.Xavier Rajini for R8

R3 to R7 - No appearance

J U D G M E N T

S.VAIDYANATHAN, J.

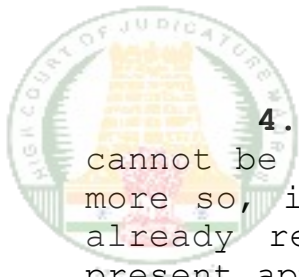
and

DR.G.JAYACHANDRAN, J.

This writ appeal has been preferred by the writ petitioner challenging the order dated 29.02.2008 passed in W.P.(MD) No.7130 of 2007.

2. The appellant filed the said writ petition challenging the resolution of the Board dated 20.08.2007. The learned Single Judge, by the impugned order, has held that resolution of the Board cannot be questioned under Article 226 of the Constitution of India. Further, for the submission of the learned counsel for the appellant / writ petitioner that once it is found that Selection Committee has not been validly constituted, mere participation of the appellant / petitioner in the selection process cannot be held as an estoppel against him since there can be no estoppel against any statute, the learned Single Judge has held that since a Committee has been validly constituted, the question applying the principle of estoppel does not arise at all. By holding so, the learned Single Judge dismissed the writ petition.

3. It is to be noted that concerned persons have already retired from service on attaining the age of superannuation.



4. Taking note of the fact that resolution of the Board cannot be questioned, as rightly held by the learned Single Judge, more so, in the light of the fact that the concerned persons have already retired from service on account of superannuation, the present appeal is not maintainable.

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5. Accordingly, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar (CS)

krk

Note :

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

To

1.The Registrar,
Manonmaniam Sundaranar University ,
Abishekapatti,
Tirunelveli-627 012.

2.The Vice Chancellor,
Selection Committee,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-627 012.

+1 CC to M/s.K.RAGATHEESH KUMAR (ISSAC CHAMBERS), Advocate, SR-37455, dated 06/12/2021

+1 CC to M/S.D.GEETHA , Advocate, SR-37677 dated 07/12/2021

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