



WEB COPY

W.A.(MD)No.850 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.A. (MD)No.850 of 2019

and CMP (MD) No.7270 of 2019

1.P.Elayapillai

2.J.Devi

3.B.Sheela

4.P.Balachandran

:Appellants

Vs.

1.A.Ravichandran

2.The Tamil University

Rep. by its Registrar,

Thanjavur.

: Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) No.9284/2017 dated 06.06.2017.

Prayer in WP(MD)9284 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of certiorarified mandamus after calling for the records pertaining to the impugned notifications dated 27.4.2017 issued by the respondent in Daily Thanthi dated 29.4.2017, quash the same, in so far as not notifying the remaining two vacancies in the cadre of Associate Professor in the Department of Literature and not allotting the same to the SC/ST candidates in backlog vacancy and roster vacancy and in so far as notifying one vacancy only for general category and consequently direct the respondent University to notify two vacancies for SC/ST candidates in the cadre of Associate Professor one in backlog vacancy and the other in roster vacancy and to fill up the same in accordance with the rules, after receiving and considering the application of the petitioner for appointment to any one of those two posts to be allotted for SC/ST candidates, by giving him preference based on his service with the respondent University.

For Appellants

: Mr.A.Thirumurthy

For Respondents

: Mr.Ajay Khose for R1

Mr.Ragatheeshkumar for R2

for M/s.Isaac Chambers

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This is a third party appeal filed with a grievance pertaining to an observation made by the learned Single Judge, which has been
<https://hcservices.ecourts.gov.in/hcservices/>



wrongly understood by the parties, as it was beyond the *lis* before him.

2.The respondent writ petitioner challenged the impugned notification with specific reference to two vacancies in the cadre of Associate Professor in the Department of Literature not having been allotted to Scheduled Caste and Scheduled Tribe candidates in the backlog vacancy and roster vacancy. The learned single Judge, while allowing the writ petition, incidentally said that the respondent University is restrained from filling up the vacancies without complying with the aforesaid directions. Therefore, the order and the direction are to be read in consonance.

3.The *lis* was with respect to the notification pertaining to two vacancies, which the learned Judge rightly held should go to the Scheduled Caste category by carrying forward the backlog vacancy and roster vacancy.

4. In such view of the matter, this writ appeal stands disposed of by making it clear that the observation of the learned Judge that the respondent University is restrained from filling up the vacancies without complying with the aforesaid directions would mean the said direction, which is obviously attributable to Scheduled Caste and Scheduled Tribe vacancies in the post of Associate Professors alone in the Department of Literature. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

To

The Registrar,
Tamil University
Thanjavur.

+1 CC to Mr.A.THIRU MURTHY, Advocate (SR-2640[F] dated 01/02/2021)
+1 CC to M/s.ISSAC CHAMBERS, Advocate (SR-2657[F] dated
01/02/2021)

Order made in
W.A. (MD) No.850 of 2019
29.01.2021