



WEB COPY



WP No.17217 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-09-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.17217 of 2016
And
WMP No.14690 of 2016**

C.Sakthimurugan

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Petitioner

VS.

1.Secretary,
Sri Vasavi College and Post,
Erode – 638 316.

2.The Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore.

3.The Director of Collegiate Education,
College Road,
Nungambakkam,
Chennai – 6.

4.Mr.S.Thangamani

..

Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the first respondent made in Khoppu/Niyamanam/Tamil/GT/S.T/2015-16 dated 06.01.2016, to quash the same and to consequently direct the respondents 1 to 3 to forthwith appoint the petitioner as Assistant Professor (Tamil) in the said vacancy and to extend all benefits there to.

For Petitioner	: Ms.P.T.Ramadevi
For Respondent-1	: Mr.R.Baskaradoss
For Respondents-2 and 3	: Mr.A.Anandan, Government Advocate.
For Respondent-4	: Mr.G.Sankaran

O R D E R

The appointment of the fourth respondent as Assistant Professor (Tamil) in proceedings of the first respondent-College dated 06.01.2016, is under challenge in the present writ petition.

2. The fourth respondent was appointed as Assistant Professor (Tamil) in the first respondent Sri Vasavi College, which is an Aided



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Institution.

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3. The petitioner states that the fourth respondent was appointed without following the process of selection and further he is not possessing the requisite qualifications as per the UGC Regulations.

4. It is contended that the process of selection was not conducted in a transparent manner and the fourth respondent was appointed on extraneous consideration.

5. Regarding the process of selection, the first respondent-College has stated that they have given advertisements in 'The Hindu' and 'Dinamalar' on 19.08.2015, calling for application from the eligible candidates for selection to the post of Assistant professor on various subjects.

6. The first respondent had already written a letter dated 23.11.2015 to the Registrar, Bharathiyar University, Coimbatore for



nomination of the two nominees of the Vice-Chancellor for the selection panel. A list of subject experts were also sent to the Registrar, Bharathiyar University, for their approval.

7. The first respondent had sent another letter on 28.11.2015 to the Registrar, Bharathiyar University, Coimbatore along with the copy of the sanctioning order of the Director of Collegiate Education for appointment to the post of Assistant Professors in the first respondent's College. A list of Communal Roster was also sent along with the letter.

8. The Registrar of Bharathiyar University vide a letter dated 18.12.2015 had sent a list of nominated members by the Vice-Chancellor, University representatives and also approved the list of panel of subject experts sent by the first respondent.

9. Totally 24 candidates were called for the post of Tamil under General Category and only 7 candidates had appeared for the interview on 30.12.2015 and in the same, the fourth respondent was selected by the



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Selection Committee and an order of appointment was issued to the fourth respondent on 06.01.2016. The fourth respondent had joined in the first respondent-College on 07.01.2016. The Registrar, Bharathiyar University had sent a letter to the Principal of the first respondent-College approving the appointment of the fourth respondent.

10. The second respondent-Regional Joint Director of Collegiate Education has stated in their counter-affidavit with reference to the qualification of the writ petitioner and the fourth respondent in paragraph-5, which reads as under:-

"5. I most respectfully submit that as per the UGC Regulations 2010, the basic qualification required for a person to be recruited as Assistant Professor at the entry point is a Masters Degree in the relevant field with a minimum of 55% marks in the relevant subject. Both the fourth respondent and the petitioner had the same qualification, that is, M.A., M.Phil., on the date of calling for applications for the appointment of an Assistant Professor in the Department of Tamil of the first



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respondent-College."

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11. The second respondent has also considered the fact that the selection procedures as contemplated were followed by the first respondent, while appointing the fourth respondent as Assistant Professor in the first respondent-College. Thus, the Competent Authorities of the Collegiate Education approved the appointment of the fourth respondent in proceedings dated 06.12.2021, however, subject to the final orders to be passed in the present writ petition.

12. Perusal of the procedures followed for selection and appointment of the fourth respondent reveals that the first respondent-College selected and appointed by following the procedures as contemplated and the Bharathiyar University also approved the procedures as well as the selection and the Department of Collegiate Education also approved the appointment of the writ petitioner under the provisions of the Act.



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13. This being the factum, no further consideration needs to be entertained in respect of the grounds raised in the present writ petition.

14. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

1.The Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore.

2.The Director of Collegiate Education,
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S.M.SUBRAMANIAM, J.

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