



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.4696 OF 2011

AND

M.P.NO.2 OF 2011

Dr.N.Godhantaraman

...Petitioner

-Vs-

1. Thiruvalluvar University,
Rep. by its Registrar,
Fort Campus,
Vellore - 632 004.

2. The Vice Chancellor-cum-Chairman,
Selection Committee for Teaching Faculty,
Thiruvallur University,
Fort Campus, Vellore - 632 004.

3. Dr.A.Panneerselvam

4. Dr.Arumugam

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st and 2nd respondents issued in No.TVU/R/Est./2010.2711 dated 09.11.2010 and in No.TU/R/13766/RTI-Selection-A.P.Zoo./2011/3000 dated 27.01.2011 respectively and quash the same and issue a consequential direction to the respondents 1 and 2 to select and appoint the petitioner as Associate Professor in the Department of Zoology in the respondent University.

For Petitioner : Mr.R.Saseetharan

For R3 : Mr.J.Jayamalan
for Mr.G.Sankaran

For R1, 2 & 4 : No Appearance



ORDER

The petitioner herein is aggrieved against the action of the first respondent-University in not calling him for the interview, pursuant to their notification dated 09.05.2010, for appointment to the post of Associate Professor in Zoology.

2. The first respondent had initially stated that they had not received the petitioner's application and therefore, he was not called for the interview. Subsequently, when the petitioner had made an application under the provisions of the Right to Information Act, 2005, they had admitted that the petitioner's application was received by them. However, the Scrutinising Committee had not called him for interview, since he did not possess the Post Graduate and Ph.D., degree in the relevant subject, i.e. in Zoology.

3. The learned counsel for the petitioner drew attention of this Court to the Post Graduate degree obtained by the petitioner on 20.07.1987 in M.Sc., Zoology and the equivalence certificate issued by the University of Madras stating that the Post Graduate degree in M.Sc., Marine Biology and Oceanography of the Annamalai University has been recognized as equivalent to M.Sc., Zoology of the University of Madras. Since the Scrutinising Committee also consisted of a faculty from the University of Madras, there was no justification on the part of the University in having failed to call the petitioner for the interview, on the ground that he did not possess a degree equivalent to the required qualification. Incidentally, the petitioner also possesses the Ph.D., Degree.

4. When the petitioner's qualification in M.Sc., Marine Biology and Oceanography from the Annamalai University is recognized as equivalent to M.Sc., Zoology from the University of Madras, the action of the first respondent, in failing to call the petitioner for interview, is flawed. However, it is seen that the third respondent herein, who was appointed to the post, pursuant to the notification dated 09.05.2010, possesses the required qualification for the post and is said to be continuing in the said post as on date.

5. Though the action of the first respondent in failing to call the petitioner for interview is unjustifiable, this Court does not intend to disturb the appointment already made in favour of the third respondent in the year 2010. In this background, if the University is directed to give preference to the petitioner in their subsequent appointment process for the post of Associate Professor, by relaxing the upper age limit, the ends of justice could be secured. Incidentally, the upper



age limit for the post of Associate Professor has been fixed at 50 years.

6. In the light of the above observations, no interference is required to the prayer sought for in this writ petition, insofar as it relates to quashing the appointment of the third respondent is concerned. However, the first respondent herein shall grant preference to the petitioner for any future vacancies that may arise for the post of Assistant Professor in Zoology, without reference to his upper age limit, as an one-time measure.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Registrar,
Thiruvalluvar University,
Fort Campus,
Vellore - 632 004.
2. The Vice Chancellor-cum-Chairman,
Selection Committee for Teaching Faculty,
Thiruvallur University,
Fort Campus, Vellore - 632 004.

+1cc to Mr.R.N.Amarnath, Advocate, S.R.No.18968

W.P.No.4696 of 2011
and
M.P.No.2 of 2011

PMK (CO)
PM/01/04/2022