



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.7849 of 2022
and
W.M.P.No.7852 of 2022

1 S.Nirmalraj ...Petitioner
Vs.
1 The The Registrar,
University of Madras,
Chepauk, Chennai-600 005.
2 The Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai-600 006.
3 The General Secretary/Correspondent/Member,
The Selection Committee,
Guru Nanak Educational Society, Guru Nanak
College, New No.161, Old No.53,
Guru Nanak Salai, Velachery, Chennai-42.
4 The Principal & Member,
The Selection Committee,
Guru Nanak College, New No.161,
Old No.53, Guru Nanak Salai,
Velachery, Chennai-600 042.
5 Dr.A.C.Tangavelou
6 Dr.M.Gopi
7 Dr.T.Sekar
8 Dr.B.Venugopal
9 Dr.M.P.Palani
10 Dr.M.S.Karpagam
11 Dr.M.C.V.Chitti Babu
12 The Regional Joint Director of the Collegiate Education,
26CH+J55, Todd Hunter Nagar,
Nandanam, Chennai 600 015.
...Respondents



(This Court suo motu impleaded the 12th respondent as party in the writ petition)

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the concerned records relating to the appointment of 5th respondent to the post of Assistant Professor in Plant Biology and Biotechnology department in Guru Nanak College pursuant to the notification dated 01.03.2021 and to quash the appointment order bearing Letter No.GNC/TS-APPT-BC/2022 Dated 23-02-2022 issued by the 3rd Respondent issued to the 5th respondent and consequently direct the respondent 3 and 4 to appoint the petitioner herein as Assistant Professor in Plant Biology and Biotechnology department in Guru Nanak College.

For Petitioner : Mr.V.P.Senguttuvel for
Mr.M.Ganesh

For Respondent No.1 : Mr.A.S.Vijayaraghavan
For Respondent No.2 Mr.M.Bindran, A.G.P.

O R D E R

According to the petitioner, the third respondent College had invited application for the post of regular (Government Aided) Post of Assistant professors in Plant Biology and Plant Biotechnology Department reserved for each one seat for BC, MBC (W), DNC & MBC/DNC communities by publishing the advertisement in Dhinamani & Times of India Newspapers on 1.3.2021. The petitioner applied for regular (Government Aided) Post of Assistant Professor in Plant Biology and Plant Biotechnology Department under the reserved category of BC and attended the interview. The 5th respondent herein was appointed for the post of Assistant Professor in Plant Biology and Plant Biotechnology under B.C. Category.

2. The allegation of the Writ petitioner is that the fourth respondent has not followed the Rule of Reservation as the 5th respondent is not belongs to Backward Class Community and he belongs to Union Territory of Puducherry. The community Certificate was also issued in respect of the 5th respondent. Therefore, the petitioner has raised objection for the appointment of the 5th respondent by the 4th respondent College.

3. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has approached the Regional Joint Director of Collegiate Education who is a competent authority. If any such objection received as per the



provisions of the Act, same shall be considered and orders will be passed based on the materials placed before the competent authority.

4. According to the writ petitioner, the 5th respondent appointment has not been approved by the competent authority viz., Regional Joint Director of the Collegiate Education. The 4th respondent is a Government aided College and therefore, approval of the competent authority is necessary for the appointment of the 5th respondent. If the petitioner has any objection or grievance for appointment of the 5th respondent, the petitioner can very well make an objection before the competent authority and also to the first respondent. If any such objection is received prior to the approval of the appointment, the competent authority viz., the Regional Joint Director of Collegiate Education shall consider the said objection, after giving opportunities to the parties concerned, including the third respondent.

5. With the above directions, the writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The The Registrar,
University of Madras,
Chepauk, Chennai-600 005.
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- 3 The General Secretary/Correspondent/Member,
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4 The Principal & Member,
The Selection Committee,
Guru Nanak College, New No.161,
Old No.53, Guru Nanak Salai,
Velachery, Chennai-600 042.

5 The Regional Joint Director of the Collegiate Education,
26CH+J55, Todd Hunter Nagar,
Nandanam, Chennai 600 015.

+1cc to Mr.A.S.Vijayaraghavan, Advocate, S.R.No.32594

+1cc to Mr.M.Ganesh, Advocate, S.R.No.22677

+1cc to the Government Pleader, Sr.No.22525

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MG[co]
NSK/24/05/2022