



W.P.(MD).No.13205 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.13205 of 2014

and

W.M.P.(MD).Nos.8006 of 2018 and 21012 of 2022

S.Manikandan

... Petitioner

Vs.

1.The Syndicate,
Bharathidasan University,
Tiruchirappalli – 620 024.

2.Bharathidasan University,
Represented by its Registrar,
Tiruchirappalli – 620 024.

3.R.Meena

4.P.Jeyageetha

5.Government of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George,
Chennai – 9.

... Respondents

(R-5 is impleaded vide Court order dated 02.01.2020 made in W.M.P(MD) No. 13331 of 2019)



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, after calling for the records from the first and second Respondents relating to the impugned orders namely proceedings No.32781/H2/2007 dated 26.05.2008 passed by the second Respondent appointing the third Respondent as Lecturers (English) in Bharathidasan University College, Perampalur and also proceedings No. 32781/H2/2007 dated 26.05.2008 passed by the second Respondent appointing the fourth Respondent as Lecturer (English) in Bharathidasan University College (W), Orathanadu, quash the same and consequently to direct the first and second Respondents to appoint the Petitioner as Lecturer (English), by awarding the Petitioner two marks for his teaching experience based on the certificates produced by the Petitioner, with all consequential benefits w.e.f. 26.05.2008.

(Prayer amended vide Court Order dated 24.01.2020 made in WMP(MD).No. 8005 of 2018 in W.P.(MD).No.13205 of 2014)

For Petitioner	: Mr. M.Ajmalkhan, Senior Counsel, For Mr.S.Arunachalam.
For R-1 and R-2	: Mr. VR.Shanmuganathan
For R-3	: Mr.B.Anandan
For R-4	: No Appearance
For R-5	: Mr.C.Baskaran Government Advocate



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ORDER

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This Writ Petition is filed challenging the orders dated 26.05.2008 and 26.05.2008 and consequently direct the first and second respondents to appoint the Petitioner as Lecturer (English), by awarding the petitioner two marks for his teaching experience based on the certificates produced by the petitioner, with all consequential benefits w.e.f. 26.05.2008.

2. When the Writ Petition is pending, an amendment petition was filed to amend the prayer and the same was allowed vide order dated 24.01.2020 in WMP(MD).No.8005 of 2018 in W.P.(MD).No.13205 of 2014.

3. The case of the petitioner is that he is qualified to be promoted to the post of Assistant Professor (English). The second respondent has issued notification dated 19.12.2006 inviting the applications for faculty in his University and also in constituent Colleges in Perambalur and Orathanadu. The petitioner was issued with call letters dated 28.04.2008 and the interview was conducted on 14.05.2008 and 38 candidates including the petitioner have participated. The contention of the petitioner is that only one interview was



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held for all the vacancies in three places. After the selection process, the third and fourth respondents were appointed. Since the petitioner is an unsuccessful candidate, challenging the appointment of the third and fourth respondents, has filed the this Writ Petition.

4. The primary objection that was submitted by the learned counsel for the third respondent is that the selection process started in the year 2006 and they are appointed in the year 2008 and the Writ Petition is filed in the year 2014. The third and fourth respondents are continuing in the promoted post and they cannot be disturbed at this length of time and the Writ Petition is hit by the principles of delay and laches. This Court is of the considered opinion that any selection process ought to be challenged within a reasonable time. This Writ Petition is filed after lapse of 6 years. Therefore, this Writ Petition is hit by the principles of delay and laches.

5. The next contention that was raised by the petitioner is that the selection process is for two places namely, Perambalur and Orathanadu. But the respondents have conducted interview only for one day in both the places. This was refuted by the second respondent by stating that the selection process



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was conducted separately for Perambalur and Orathanadu and the contention of the petitioner is incorrect. In the counter affidavit it is specifically stated that two interviews have been conducted separately on the same date that is on 14.05.2008 by the same Selection Committee. Two separate score sheets have been prepared by the Selection Committee. As per merits and performance assessed by the Selection Committee, the respondents 3 and 4 were appointed. The mark scored by the selected candidates are more than that of the petitioner. In the selection process, roaster is also followed.

6. Therefore, this Court is of the considered opinion that the petitioner has not raised any perversity in the selection process and this Court is not inclined to entertain this Writ Petition. Any selection process can be challenged only if there is perversity and cannot challenge the decision of the Selection Committee. Therefore, this Court is inclined to dismiss this Writ Petition.

7. In case, if there is any vacancy in future, the petitioner is at liberty to participate in the selection process and shall be accommodated if he is otherwise qualified.



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8. In view of the above, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Syndicate,
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- 2.Bharathidasan University,
Represented by its Registrar,
Tiruchirappalli – 620 024.
- 3.The Secretary,
Department of Higher Education,
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S.SRIMATHY, J.

Nsr

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