



WP (MD) No. 22168 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 23.11.2022

Delivered On : 16.12.2022

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

Writ Petition (MD) No. 22168 of 2016

Jawaharlal Nehru

.. Petitioner

Versus

1. The State of Tamil Nadu
rep. by its Chief Secretary to Government
Fort St. George
Chennai - 600 009
2. The State of Tamil Nadu
rep. by its Secretary to Government
Information Technology Department
Chennai - 600 009
3. The State of Tamil Nadu
rep. by its Secretary to Government
Higher Education Department
Chennai - 600 009
4. The Registrar
Anna University
Sardar Patel Road
Old Highways Building
Guindy, Chennai - 600 025
5. The Chairman
NASSCOM

<https://www.mhc.tn.gov.in/judis>



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Samruddhi Venture Park Ground Floor
Office # 14-15, Central MDC Road
Andheri East
Mumbai - 400 093

6. The Director
NASSCOM
TRIL Infor Park
Amenity Floor
Hardy Tower
OMR, Chennai - 600 113

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 6 to evolve a transparent mechanism for campus placement (recruitment) process on behalf of the Indian and Multi National Companies in the Government and Private Engineering Colleges and Deemed Universities in the State of Tamil Nadu.

For Petitioner : Mr. M.S. Jeyakarthik

For Respondents : Mr. S.P. Maharajan
Special Government Pleader for RR1 & 3

Mr. E.V.N. Siva for R4
No appearance for RR5 and 6

ORDER

R. MAHADEVAN, J

The petitioner has filed this writ petition, as a Public Interest Litigation, praying to issue appropriate directions to the respondents to evolve a transparent mechanism for campus placement (recruitment) process on behalf of the Indian and Multi National Companies in the Government and Private Engineering Colleges and Deemed Universities in the State of Tamil Nadu.



2.(i) In the affidavit filed in support of the writ petition, the petitioner has given an illustration as to the number of Engineering Colleges in the State, the procedures relating to Engineering Admission resorted to by the educational institutions and Universities etc., The grievance expressed by the petitioner is that while admission is resorted to based on the relative academic merit and by adhering to the concept of equal opportunity, the same yardstick is not applied when it comes to employment through the campus interview. According to the petitioner, multi-national companies forays into the campus of the educational institutions and picks up for employment the student belongs to affluent and well developed background, but they seldom recruits students on the basis of their relative merit, seniority and ability. This according to the petitioner is a discrimination in the matter of recruitment through campus interviews conducted by Indian and Multinational companies across the educational institutions. It is further stated that certain colleges are also imposing and/or following eligibility criteria and permits only certain class of students to participate in the campus interview, leaving other students prejudiced. In some other colleges, students are permitted to go for interview without writing the necessary and mandatory tests and the marks secured in those tests also differ from institution to institution without any pre-defined uniform procedures. Thus, it is the contention of the petitioner that all the students are not treated equally and there is a cross discrimination in the matter



of employability of the students through campus interview.

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(ii) The petitioner placed reliance on the Employment Exchanges (Compulsory notification of vacancies) Rules 1960 issued by the Directorate General of Resettlement and Employment dated 26.04.1960 to compulsorily notify the vacancies in technical and non-technical posts with reference to the employment exchange seniority so that preference can be given to those who register his or her name in the employment exchange list. However, in the case of campus interviews, no seniority or merit is being followed by the multinational companies or Indian companies and they pick and choose the candidates by adopting their own yardstick.

(iii) The petitioner placed reliance on several news papers report to suggests that student who could not get selected in the campus interview turns into an anti-social element and takes up robbery, chain snatching to earn money. The respondents owe a responsibility to change this situation and streamlining the procedures in the campus interview will go a long way in reforming such students. Further, the petitioner relied on a newspaper report in page No.26 of the typed set of paper and submitted that fake companies participates in the campus interview and make the student believe that they are employed for a lucrative salary but after some time, it turns out that such company is a non-existent company and fake or shell companies. These types of recruitment also have an impact in the career advancement of the student



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and it largely goes unchecked. Therefore, the credentials of the companies participating in the recruitment process have to be checked before permitting them to recruit the candidates.

(iv) The petitioner also stated that Multinational companies established in our country enjoys certain privileges such as subsidies in assignment of land, electricity, water and other infrastructure. Having availed such concessions, those companies must be brought within the administrative control of the respondents to follow certain procedures while conducting campus interviews and in selecting the students for employment. This, according to the petitioner would enhance the overall welfare and career prospects of the students in particular and the employability ratio of the nation as a whole. The petitioner also contends that students studying the same course for the same duration in the same institution are treated differently and they were denied equal opportunity when compared to others. In this context the petitioner placed reliance on the decision of the Honourable Supreme Court in the case of **Dalmia Cement (Bharat) Limited and another vs. Union of India and others** reported in **(1996) 10 Supreme Court Cases 104** to drive home the point that the State has to strive to promote the welfare of the people by securing and protecting, as effectively as it may, the social order so as to minimise inequalities in income and endeavour to eliminate inequalities in status, facilities, opportunities amongst individuals and group of



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people residing in different areas or engaged in different avocations. The petitioner also placed reliance on Equal Opportunities Act, 2010 enacted in United States of America which obligates the Government to eliminate discrimination in the matter of job interview and employment. According to the petitioner, in our country, the Multinational companies fully utilises the benefits conferred by the State but refuse to subject themselves for a uniform or transparent mechanism for campus placement (recruitment). The inaction on the part of the respondents in bringing a policy to treat all the student equally based on relative merit and seniority would lead to removal of social evils like collection of huge capitation fee by some colleges as also perils of unemployment. Therefore, the petitioner would contend that if recruitment is streamlined during campus interview, it will pave way for achieving social justice and a State free from discrimination among the equals. The petitioner also submitted a representation to the respondents on 17.09.2016 requesting them to create a Single Cross - Industry Test for all the students studying in the State and direct the companies to select the students by adhering to an uniform procedure in all the educational institutions throughout the State. However, the respondents did not consider the representation dated 17.09.2016 and therefore, the petitioner has filed this writ petition.

3. On notice, a counter affidavit has been filed on behalf of the first

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and third respondents contending that the State is already implementing various schemes/programmes to impart employability skills to students pursuing higher education under the aegis of higher education department/government/ government aided and self-financing arts and science colleges. The State has also introduced schemes like Teaching Foreign languages such as German, French and Japanese and intensive coaching for competitive examinations such as GMAT/CAT/GRE/IELTS/TOFFEL to meet the growing demands of the employer while recruiting students. The State also organising job fairs in the Government and Government Aided Colleges to ensure that more employment opportunities are created. However, the curriculum followed in Deemed Universities and State Universities cannot be compared and the students studying in different institutions and in different regions of the State cannot be considered to be equal. Therefore, introducing common mechanism and campus placement on behalf of the Indian and Multinational companies in Government and Private Engineering and Deemed Universities is not feasible. Even conducting campus interview institution wise or university wise or region wise will not be of any assistance to the students to get employed. Therefore, bringing a common procedure or evolving a mechanism for campus placement is not feasible of consideration. When the State is already undertaking various measures to meet the growing demand of the employers and prepares the students to get employed befitting



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their skill, education and experience, no further direction is necessary to be passed in this writ petition. Accordingly, the respondents 1 and 3 prayed for dismissal of the writ petition.

4. The fourth respondent -Registrar of Anna University has filed a counter affidavit specifically contending that employment in Multi-national companies cannot be construed as the one akin to employment in terms of Article 16 of The Constitution of India. The present writ petition filed by the petitioner to regulate the recruitment process in multinational companies by creating a single window similar to Tamil Nadu Engineering Admission Counselling for freshers is not maintainable. When employment in multinational companies is not a public employment, the Government cannot wield any control or regulate the process of employment resorted to by such companies. The comparison made by the petitioner with respect to the employment laws prevailing in United States cannot be applied in this region and thus, the fourth respondent prayed for dismissal of the writ petition filed by the petitioner.

5. The learned counsel for the petitioner would only contend that employers should not engage in such activities that would discriminate against an applicant/student on the basis of race, age, color, sex, religion, national



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origin etc., According to the learned counsel, the private employer, either Indian companies or multinational companies have to adopt a uniform and streamlined procedure in recruiting candidates so that all the students are treated equally. In this regard, reliance was placed on the decision of the Honourable Supreme court in (i) **Zee Telefilms Limited and another vs. Union of India** reported in (2005) (4) **Supreme Court Cases 649** (ii) **Board of Control for Cricket in India vs. Cricket Association of Bihar** reported in 2015 (3) **Supreme Court Cases 251** and (iii) **K.K. Saksena vs. International Commission on Irrigation and Drainage and another** reported in (2015) 4 **Supreme Court Cases 670** and submitted that if a private body is allowed to discharge public duty or positive obligation of public nature, which were otherwise the job of the Government, can be regulated and controlled of their activities by the Government. According to the learned counsel, inequalities in job opportunity leads to many social evils and it should not be allowed to thrive. He therefore prayed this Court to issue appropriate directions to the respondents to ensure that a transparent mechanism for campus placement (recruitment) process on behalf of the Indian and Multi National Companies in the Government and Private Engineering Colleges and Deemed Universities in the State of Tamil Nadu is evolved so that all the students are treated equally.

6. We have heard the learned counsel appearing for the petitioner,

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the learned Additional Government Pleader for respondents 1 to 3 as well as the learned counsel for the fourth respondent and perused the materials placed on record.

7. On considering the rival submissions, we are of the view that the prayer sought for by the petitioner is generic in nature and non specific. It is no doubt true that our constitution imposes an obligation on the State Government to ensure that adequate employment opportunities are created for the masses. To achieve this, the Government has to strive, by initiating appropriate measures, to hone the skills of the students to get employed. In this regard, the learned counsel for the petitioner placed reliance on the decisions mentioned supra.

9. This Court is not oblivious of the fact that in the recent past, campus interviews are permitted to be conducted in the educational institutions by business giants and multinational companies to select an employee for their company. This, in our opinion, is aimed to reduce unemployment to a considerable extent. For this purpose, the companies evolve their own procedure to assess the suitability or capability of the candidate to take up specific assignment to be assigned by them. An employer who employs a person can always put in place certain conditions which they deem it



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appropriate as a condition precedent for offering employment. Having regard to the above, we refrain ourselves from issuing any positive direction to the respondents to evolve a mechanism to treat all the students equally while conducting campus interview at the behest of Indian or Multinational companies in the educational institutions. At the same time, we deem it appropriate to observe that the educational institutions, before permitting the Indian or multinational companies to conduct campus interview, can only verify their credentials, their existence in the field atleast for a period of three years prior to the conduct of campus interview etc., so as to ensure that the shell companies are not permitted to participate in such recruitment drive and that the employer, who employs the students, are in a position to adhere to the terms and conditions with which they employs.

10. Subject to the aforesaid observation, we dispose of this writ petition. No costs.

(R.M.D., J) (J.S.N.P. J)

16.12.2022

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Index : Yes

Internet : Yes
To

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