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W.P.No.8442 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.8442 of 2022 and
W.M.P.No.13009 of 2022

Dr.Balaji Ganesh.R

... Petitioner

Versus

1.The Pondicherry University,
Represented by its Registrar,
Chinna Kalapet,
Kalapet,
Puducherry-605014.

2.The Vice Chancellor,
Pondicherry University,
Chinna Kalapet,
Kalapet,
Puducherry-605014.

3.Shri Loveroop Singh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ or order or direction to direct the 1st respondent to appoint the petitioner to the post of Assistant Registrar, in the EWS (Economically Weaker Section) Category, in the 1st respondent University, as per Rule 22.17 (ii) of the Cadre Recruitment Rules, 2019.

For Petitioner	:	Mr.Sharath Chandran
For R1 & R2	:	Mr.M.Ravi
For R3	:	No Appearance



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ORDER

This Writ Petition has been filed to direct the 1st respondent to appoint the petitioner to the post of Assistant Registrar in the EWS (Economically Weaker Section) Category in the 1st respondent University as per Rule 22.17(ii) of the Cadre Recruitment Rules, 2019.

2.The petitioner applied to the post of Assistant Registrar in EWS (Economically Weaker Section) Category pursuant to recruitment notification, dated 06.11.2020. After finalization of results, the petitioner was placed in serial No.1 in the waiting list. The 3rd respondent was selected in the above said quota, but subsequently he resigned from the said post within a period of one year from the date of joining. It is also stated in the Writ Petition that while joining, the 3rd respondent has given fake certificates. Later anticipating some action, he himself resigned within a period of one year. Therefore, as per Rule 22.17(ii) of the Cadre Recruitment Rules, 2019, the respondents 1 and 2 to fill up the vacancy appointing the next candidate in the waiting list. As the petitioner is the first candidate in the waiting list, he is entitled to be appointed as Assistant Registrar in EWS Category in the 1st respondent University. Hence, the



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3.The counter has been filed by the learned counsel for the respondents 1 and 2 admitting that the petitioner was placed in the waiting list No.1 in EWS category. It is the main contention of the respondents 1 and 2 in the counter that the petitioner cannot dictate University to operate the waiting list and appoint him for the post. All other aspects about the false certificate filed by the 3rd respondent and his resignation, have not been disputed. Further, it is also not disputed in counter that the 3rd respondent resigned from service within a period of one year. It is further contention that the University has every right to take decision as per administrative exigencies and the petitioner has no right whatsoever to dictate terms to the University in the process of appointment. Therefore, it is their case that the petitioner cannot claim any vested right that he should be appointed for a particular post and it is the prerogative to the University as per guidance of the Selection Committee.

4.Mr.Sharath Chandran, learned counsel appearing for the writ petitioner brought to the notice of this Court of Pondicherry University



Cadre Recruitment Rules, 2019, particularly, Rule 22.17(ii), which reads as follows:

“(ii)The University may draw a panel in the form of a waiting list to fill up a post. In case a candidate on higher merit regrets to join within a period of one year or resigns/dies after joining, within a period of one year, the offer shall be made to the next candidate on the merit, if otherwise in order, to reduce the delay in filling up of the vacancies. Such a vacancy should not be treated as fresh vacancy.”

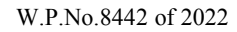
5.On perusal of the above, it makes very clear that it is the duty of the University to draw a panel in the form of waiting list to fill up a post. In case, the candidate on a higher merit, failed to join within a period of one year or resigns or dies after joining, within a period of one year, the offer shall be made to the next candidate on the merit, if otherwise in order, to reduce the delay in filling up of the vacancies. Such vacancy should not be treated as fresh vacancy. The above Rule makes very clear that it is the duty of the University to offer employment to the next candidate who is placed in the waiting list. Admittedly, the petitioner was placed in Serial No.1 in the waiting list. This fact is not disputed.



6.In such view of the matter, the petitioner cannot be denied to the post of Assistant Registrar in the EWS Category. Whereas the learned counsel for the respondents 1 and 2 submits that the above said Rule makes very clear that the appointment can be made to the next candidate on merit if otherwise in order. Only on the basis of merit, he can be appointed. As a matter of right, the petitioner cannot seek any appointment. The learned counsel also submitted that the relevant records also are required to be placed before this Court in this regard to show the merit of the petitioner. Hence, he opposed this Writ Petition.

7.Heard Mr.Sharath Chandran, learned counsel for the petitioner, Mr.M.Ravi, learned counsel appearing for the respondents 1 and 2 appearing and perused the entire materials.

8.The drawing of the waiting list has not been disputed, similarly, the fact that the vacancy arose within a period of one year on account of resignation of the 3rd respondent is also not disputed. From the entire counter affidavit, it is not the case of the respondents 1 and 2 that the petitioner has no merits whatsoever for such post. Therefore, in the absence



10. Hence, this Writ Petition is allowed and the respondents 1 and 2 shall appoint the petitioner if otherwise suitable to the post of Assistant Registrar on its merits. Such exercise shall be made within a period of two months. Consequently, the connected Miscellaneous Petition is closed. No costs.

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order
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To
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- 1.The Registrar,
Pondicherry University,
Chinna Kalapet,
Kalapet,
Puducherry-605014.
- 2.The Vice Chancellor,
Pondicherry University,
Chinna Kalapet,
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N.SATHISH KUMAR, J.
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