



WEB COPY



W.P. No.14262 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P. No.14262 of 2020
and WMP.No.17735 of 2020

1. The Jawaharlal Institute of Post Graduate
Medical Education and Research
rep. by its Director,
Danvantri Nagar,
Puducherry 605 006.
2. The Deputy Director (Admn)
Jawaharlal Institute of Post Graduate
Medical Education and Research,
Danvantri Nagar,
Puducherry 605 006.

.. Petitioners

Versus

1. The Central Administrative Tribunal,
Rep. by its Registrar,
Madras Bench, City Civil Court Buildings,
High Court Complex, Madras 104.
2. M.Jeevan
3. The Union of India,
Rep. by its Secretary to Government,
Government of India,
Ministry of Health and Family Welfare, New Delhi.



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4. The Indian Medical Council
Rep. by its Secretary General,
Pocket 14, Sector 8, Dwaraka,
Phase-I, New Delhi 110 077.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari to call for the records relating to the order of the CAT in OA.No.1310 of 2019, dated 18.10.2019 and quash the same.

For petitioner : M/s.Sunita Kumari

For respondents

for R1 : Tribunal
for R2 : Mr.R.Saravanan
for RR3&4 : Ms.M.P.Jaisha, CGSC

ORDER

(The Order of the Court was made by D.KRISHNAKUMAR, J)

This petition has been filed to quash the order passed in OA.No.1310 of 2019, dated 18.10.2019 passed by the Central Administrative Tribunal.

2. It is the case of the petitioner Institute that they issued a notification for recruitment to various posts including the post of Assistant Professor in Microbiology on 04.03.2019. The second respondent, who



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possessed M.Sc., Ph.D. (Faculty of Medicine), applied for the post of Assistant Professor in Microbiology. The petitioner Institute rejected his application holding that as per the Notification, the candidate with only medical qualification is eligible for applying to the said post. Challenging the same, the second respondent herein filed OA.No.310/01310/2019 before the Tribunal.

3. The Tribunal by an order dated 18.10.2019 granted an interim order holding that as there is no amendment to the Recruitment Rules, the non consideration of non-medical candidates would cause irreparable injury to them. Challenging the same present Writ Petition has been filed.

4 According to the petitioner Institute, the candidates, who possess medical qualification are only eligible for applying to the post of Assistant Professor in Microbiology, whereas the second respondent is qualified with M.Sc., Ph.D.(Faculty of Medicine). However, the Tribunal without considering the same granted an interim order staying the interview, which is not sustainable.



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5. The learned counsel appearing for the second respondent submitted that the Notification for the post of Assistant Professor in Microbiology is not in accordance with the Rules of the petitioner Institute and hence, the Tribunal has rightly stayed the interview till the disposal of OA.

6. In reply, the learned counsel appearing for the petitioner submitted that since the post of Assistant Professor is vacant for more than 4 years, necessary direction may be issued to the Tribunal to dispose of the said OA.

7. Considering the fact that the Original Application is pending from the year 2019 and the selection process has been stayed for the post of Assistant Professor due to the interim order granted by the Tribunal, this Court, in the interest of the parties, is inclined to issue a direction to the Tribunal to dispose the said OA as early as possible within a period of eight weeks from the date of receipt of a copy of this order.



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8. With the above directions, the Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J] [P.D.B., J]
03.11.2023

Speaking order: Yes/No
Index : Yes/No
pvs

To

1. The Central Administrative Tribunal,
Rep. by its Registrar,
Madras Bench, City Civil Court Buildings,
High Court Complex, Madras 104.
2. The Union of India,
Rep. by its Secretary to Government,
Government of India,
Ministry of Health and Family Welfare,
New Delhi.
3. The Indian Medical Council
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