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W.P.No.15971 of 2018 &
WMP No.18993 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.04.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15971 of 2018 &
W.M.P.No.18993 of 2018

K.Shanthi

... Petitioner

Vs.

The Registrar,
The Tamilnadu Dr.Ambedkar Law University,
"Poompozhi" No.5, Dr.D.G.S.Dinakaran Salai,
Chennai – 600 028

...Respondent

Writ Petition is filed under Article 226 of Constitution of India for an issuance of a Writ of Mandamus directing the respondent herein to issue appointment order to the petitioner for the post of Assistant Professor on contract basis based on interview dated 09.06.2018 with respect of notification no.1821/Regr/Estt(T)/2018 dated 18.05.2018 published in the university website within time frame by this Court.

For Petitioner : Mr.S.Lakshmanasamy

For Respondent : Mr.V.M.G.Ramakannan

ORDER



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The present Writ Petition is filed for an issuance of a Writ of Mandamus directing the respondent herein to issue appointment order to the petitioner for the post of Assistant Professor on contract basis based on interview dated 09.06.2018 with respect of notification no.1821/Regr/Estt(T)/2018 dated 18.05.2018 published in the university website within the time frame by this Court.

2. The brief facts of the case is as follows:

The respondent – University issued a notification for the appointment of various posts including the post of 'Assistant Professor' (Computer Science) and as per the said notification, there were two vacancies with respect to computer science and the petitioner being fully qualified person, applied in time and thereafter, she was called for interview and she attended interview and performed well, however one candidate only given appointment order, the petitioner has not received any communication. Hence, the petitioner has sent a representation dated 21.06.2018 with request for issuance of an appointment order and the same was not considered, therefore, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the



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respondent - University published notification no.1821/Regr/Estt(T)/2018 dated 18.05.2018 to fill up two vacancies for the post of Assistant Professor and on account of the same, the petitioner submitted an application on 25.05.2018. On due verification, the respondent sent an interview intimation by letter dated 05.06.2018 and thereafter, the petitioner along with five candidates were called to attend interview on 09.06.2018 for the post of assistant professor. Further, the appointment order has been issued to one candidate, who appeared for interview without following any procedures and another candidate was empanelled as guest faculty, however, the petitioner being fully qualified for the post of Assistant professor, till date, has not received any communication from the respondent university. Hence this petition.

4. Per contra, the learned counsel appearing on behalf of the respondent submits that the petitioner, who studied the master of computer application is not qualified, as per the said notification dated 18.05.2018, as she has studied both UG and PG in the distance education mode of study. Insofar as the guest faculty, it is only a panel of guest faculties in 2015 and as per the panel, she worked as guest faculty from 2015-2018. While submitting the application, the petitioner had indicated that some supportive documents would be submitted to prove the validity of her



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educational qualification obtained through the distance mode of education.

Based on the above assurance, she was called for the interview, in any case, as per the said notification, the petitioner is not qualified. Further, in case of non selection, the respondent / University need not communicate to unsuccessful / unqualified candidates informing that they were not selected, thereby pleaded to dismiss the petition.

5. Heard the learned counsel on either side and perused the documents placed on record.

6. It is not in dispute that the notification no.1821/Regr/Estt(T)/2018 dated 18.05.2018 issued by the respondent clearly states that qualifying degree obtained through open/correspondence / distance education / private study "shall not be considered" and the qualifying degree procured through 'regular mode only' will be considered. While so, though the respondent had found that the petitioner had obtained qualification through open / correspondence mode, they have called the petitioner for the interview owing to the fact that the petitioner had indicated in her application that some supportive documents would be submitted to prove the validity of her educational qualification obtained through the distance mode of education, hence the petitioner was invited for interview only.

7. It is relevant to note that the selection committee of the



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respondent found that the petitioner had obtained her both (UG and PG) through correspondence course and thereby concluded that as per the said notification, the petitioner is not qualified.

8. Considering the fact that the petitioner, who studied the Master of Computer Application through distance education is not qualified as per the notification of the respondent dated 18.05.2018 in view of the fact that she had studied both UG and the said PG Course in the distance mode of study, further, the candidate, who was selected for the said post was fully qualified and taking note of the fact that the notification dated 18.05.2018 was called for an appointment on contract basis not exceeding 11 months and by now, four years have elapsed, this Court is of the view that the present Writ Petition is devoid of merits and is liable to be dismissed.

In view of the above, the present Writ Petition is lack of merits and the same is hereby dismissed. Consequently, connected miscellaneous petition is closed. No costs.

26.04.2023

Index : Yes/No
Internet : Yes/No
Speaking /Non-Speaking Order

V.BHAVANI SUBBAROYAN, J.,



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ssd

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To

The Registrar,
The Tamilnadu Dr.Ambedkar Law University,
“Poompozhi” No.5, Dr.D.G.S.Dinakaran Salai,
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