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W.P.No.28907 of 2023 &
WMP Nos.28498 to 28500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.No.28907 of 2023 &
W.M.P.Nos.28498 to 28500 of 2023

Dr.R.Balaji Ganesh

... Petitioner

Vs.

1. The Pondicherry University,
rep. By its Registrar,
Chinnakalapet, Kalapet,
Puducherry – 605 014

2. The Vice Chancellor
Pondicherry University,
Chinnakalapet, Kalapet,
Puducherry – 505 014

3. Shri Loveroop Singh

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records in PU/RC/NT/2023/46 dated 27.09.2023 issued by the 1st respondent insofar as S.8 of the notification pertaining to Assistant Registrar (EWS Category) and to quash the same.

For Petitioner : Mr. Sharath Chandran

For Respondents : Mr.V.Balamurugan for R1 and R2
Standing counsel



W.P.No.28907 of 2023 &
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ORDER

Seeking for an issuance of a Writ of Certiorari to call for the records in PU/RC/NT/2023/46 dated 27.09.2023 issued by the 1st respondent insofar as S.8 of the notification pertaining to Assistant Registrar (EWS Category) and to quash the same, the petitioner has come up with the present Writ Petition.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the Respondents 1 and 2. With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage. In view of the fact that this Court is disposing of the present petition at the admission stage itself, it is not ordering notice to the 3rd respondent and issuance of notice is dispensed with.

3. The brief facts of the case is that the 1st respondent issued a recruitment notification on 06.11.2020, in response, the petitioner applied for the post of Assistant Registrar in the Economically Weaker Section quota. After 139th meeting of the Executive council, the 3rd respondent was selected for the post of Assistant Registrar, under EWS Category and the petitioner was placed at S.No.1 in the waiting list. Further, the EWS certificate procured by the 3rd respondent was cancelled by the Tahsildar,



W.P.No.28907 of 2023 &
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Amristar on 19.08.2021 and the 3rd respondent submitted his resignation citing personal reasons. The 1st and 2nd respondents ought to have appointed the petitioner, however, the same was not done, hence the petitioner, earlier approached this Court vide W.P.No.8442 of 2022 and the same was allowed on 12.07.2022. The 1st and 2nd respondents failed to issue suitable orders, instead have issued impugned advertisement calling for application including the post of Assistant Registrar (EWS Category), hence this petition, seeking to quash the impugned advertiment.

4. The learned counsel for the petitioner would submit that the University Recruitment Rules, 2019, Clause 22.17(ii) states that *“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”*. However, the respondents 1 and 2 violated the same and issued fresh advertisement, thereby pleaded to set aside the same.

5.Mr.V.Balamurugan, learned Standing Counsel takes notice for the respondents 1 and 2 and submits that as against the order passed by this



W.P.No.28907 of 2023 &
WMP Nos.28498 to 28500 of 2023

Court in earlier petition, viz., W.P.No.8442 of 2022, Writ Appeal has been preferred by the respondents 1 and 2 and the respondents are not filling up the post of AR under EWS Category until the said Writ Appeal is decided and made an endorsement to that effect.

6. Considering the submission of the learned Standing Counsel appearing for the respondents 1 and 2 and based on the endorsement made by the learned Standing Counsel appearing for the respondents 1 and 2 to the effect that *"For the present, I am instructed that the respondents are not filling the post of AR under EWS Category until the Writ Appeal is decided"*, the present Writ Petition is disposed of with liberty to the petitioner to approach this Court on further course of action. Consequently, connected miscellaneous petition are closed. No costs.

04.10.2023

Index:Yes/No

Internet:Yes/No

Speaking / Nonspeaking order
ssd

To

1. The Pondicherry University,
rep. By its Registrar,
Chinnakalpet, Kalapet,
Puducherry – 605 014
2. The Vice Chancellor
Pondicherry University,
Chinnakalpet, Kalapet,
Puducherry – 505 014



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W.P.No.28907 of 2023 &
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V.BHAVANI SUBBAROYAN J.

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W.P.No.28907 of 2023 &
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