



W.P.(MD)No.8220 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.8220 of 2018
and
W.M.P.(MD)Nos.7781 and 7782 of 2018**

Dr.S.Jayalekshmi

... Petitioner

Vs.

1. The Chairperson,
Board of Governors,
National Institute of Technology,
Trichy - 620 015.
2. The Director,
National Institute of Technology,
Trichy - 620 015.
3. The Registrar,
National Institute of Technology,
Trichy - 620 015.
4. The Selection Committee for Professors,
Represented by its Members,
National Institute of Technology,
Trichy - 620 015.



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5. Dr.K.Baskar,

Professor,

Department of Civil Engineering,
National Institute of Technology,
Trichy - 620 015.

6. Dr.K.Muthukkumaran,

Professor,

Department of Civil Engineering,
National Institute of Technology,
Trichy - 620 015.

7. Dr.S.T.Ramesh,

Professor,

Department of Civil Engineering,
National Institute of Technology,
Trichy - 620 015.

8. Dr.Praveen Nagarajan,

Associate Professor,

Department of Civil Engineering,
National Institute of Technology Calicut,
NIT Campus P.O. - 673 601,
Kozhikode,
India.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in connection with the impugned proceedings of the third respondent dated 17.01.2018 and consequential appointments made in favour of the respondents 5 to 8 and quash the same as illegal, arbitrary and not binding on the petitioner and consequently direct the respondents to re-



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do the selection process for professors in the Department of Civil Engineering, National Institute of Technology, Trichy.

For Petitioner : Mr.MA.Gouthaman
For Respondents : Mr.R.T.Arivukumar
for Mr.N.G.A.Natraj for R5 to R7
Ms.J.Maria Roseline for R2 and R3
No appearance for R1 and R4

ORDER

This Writ Petition has been filed to call for the records of the impugned proceedings of the third respondent dated 17.01.2018 and consequential appointments made in favour of the respondents 5 to 8, quash the same as illegal, arbitrary and not binding on the petitioner and consequently direct the respondents to re-do the selection process for professors in the Department of Civil Engineering, National Institute of Technology, Trichy.

2. The case of the petitioner is that the petitioner is working as an Associate Professor in the Department of Civil Engineering, National Institute of Technology (NIT), Trichy. The petitioner has joined as Lecturer



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on 04.02.2000 and has completed 18 years of service in the Institution.

While so, the National Institute of Technology, Trichy notified faculty recruitment on 11.10.2017. As per the notification dated 11.10.2017, there were 19 vacancies for promotion from the cadre of Associate Professor in the Department of Civil Engineering. Out of 19 vacancies, only 6 candidates had applied including the petitioner. Out of 6 candidates, 5 candidates were short-listed, one Dr.Praveen Nagarajan, Associate Professor in National Institute of Technology, Calicut was selected violating the recruitment rules notified in the notification. However, without considering the candidature of the petitioner, the third respondent has selected private respondents 5 to 8 as Professors. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that during the pendency of the Writ Petition, the respondents 5 to 7 have joined in the said post, however, the eighth respondent is not found suitable, he did not join. Subsequently the petitioner was given promotion as Professor on 30.09.2019. However, if the petitioner joined along with the respondents 5 to 7, she will be placed above in seniority. Hence, this Court



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may permit the petitioner to make a fresh representation to the fourth respondent to fix the seniority in between the petitioner and the private respondents. Accordingly, she prayed for appropriate orders.

4. The learned counsel appearing for the respondents 2 and 3 would submit that if any such representation is filed by the petitioner to the fourth respondent, the fourth respondent shall forward the same to the first respondent, who shall, pass appropriate orders.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without interfering with the appointment of the private respondents, permits the petitioner to make representation with regard to fixation of seniority in between the petitioner and the private respondents before the fourth respondent within a period of four weeks from the date of receipt of a copy of this order. If any such representation is filed,



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the fourth respondent shall forward the same to the first respondent, who shall pass appropriate orders on merits and in accordance with law within a period of twelve weeks thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.02.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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The Selection Committee for Professors,
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