



W.P.(MD).Nos.21078 and 21079 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.21078 and 21079 of 2023
and
W.M.P(MD) Nos.17481 and 17484 of 2023

A.R.Ananth

... Petitioner
(in W.P(MD) No.21078 of 2023)

S.Ganesh Prabu

... Petitioner
(in W.P(MD) No.21079 of 2023)

Vs.

1. The Commissioner,
Directorate of Technical Education,
Guindy, Chennai – 600 025.

2. The Principal,
Annamalai Polytechnic College,
Chettinad, Karaikudi Taluk,
Sivagangai District – 630 102.

... Respondents
(in both writ petitions)

PRAYER in W.P(MD) No.21078 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as Lecturer/EEE (BC-Roster) in the second respondent Annamalai Polytechnic College, Chettinad, Sivagangai District based on the marks secured in the written test and interview which was conducted on 10.08.2023 on priority



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basis as an Internal candidates/in-house candidate in light of Judgment in W.P.No.6321 of 2006, dated 19.02.2020 within the time stipulated by this Court.

PRAYER in W.P(MD) No.21079 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as Lecturer/ Civil Engineering (BC-Roster) in the second respondent Annamalai Polytechnic College, Chettinad, Sivagangai District based on the marks secured in the written test and interview which was conducted on 10.08.2023 on priority basis as an Internal candidates/ in-house candidate in light of Judgment in W.P.No.6321 of 2006, dated 19.02.2020 within the time stipulated by this Court.

In both writ petitions:

For Petitioner	: Mr.I.Pinaygash
For Respondents	: Mr.S.Shaji Bino Special Government Pleader – for R1 : Mr.T.Arul for Mr.D.Manimaran – for R2

COMMON ORDER

W.P(MD) No.21078 of 2023 has been filed seeking a mandamus to appoint the petitioner as Lecturer/EEE (BC-Roster) in the second respondent Annamalai Polytechnic College, Chettinad, Sivagangai District.



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2. W.P(MD) No.21079 of 2023 has been filed seeking a mandamus to appoint the petitioner as Lecturer/Civil Engineering (BC-Roster) in the second respondent Annamalai Polytechnic College, Chettinad, Sivagangai District.

3. Both the writ petitioners are working as Junior Drafting Officers in the second respondent Polytechnic College and pursuant to an advertisement issued by the said Polytechnic College, they have applied to the post of Lecturer/EEE (BC-Roster) and Lecturer Civil Engineering respectively.

4. Both the writ petitioners were issued with call letters on 17.07.2023, calling upon them to appear for a screening test on 10.08.2023. A perusal of the said call letters indicates that, if they fall within the top 5 (five) successful candidates in the screening test, they will be called for an interview before the Staff Selection Committee on the same day. Both the writ petitioners have not cleared the screening test and they were not called for the interview. Thereafter, the second respondent Polytechnic College has proceeded to appoint 18 Lecturers, which is pending for approval with the statutory authorities.



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5. At this point of time, the present writ petitions have been filed seeking a mandamus to appoint the petitioners.

6. The learned counsel appearing for the petitioners mainly relies upon the judgment of our High Court in ***W.P.No.6321 of 2006, dated 19.02.2010 (M.Ponni Vs. the State of Tamil Nadu, Represented by the Secretary to Government, Department of Education, Fort St.George, Chennai)*** to contend that in-house candidates will be given a preference over the other open candidates. In such an event, both the petitioners should have been appointed to their respective categories. The learned counsel appearing for the petitioners further contends that after the written examination, the names of the petitioners were reflected in the notice board calling upon them to appear for the interview. However, they were not permitted to attend the interview.

7. Per contra, the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent/Polytechnic College contended that though the petitioners were called to appear for screening test, both the petitioners have not cleared the



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screening test. Therefore, they were never called for the interview. Thereafter, 18 Lecturers have been appointed and the files are pending for approval with the first respondent herein. The petitioners cannot seek a mandamus, in view of the fact that both of them have not cleared the screening test.

8. I have carefully considered the submissions made by the learned counsel on either side and perused the material on records.

9. It is the specific case of the petitioners that being in-house candidates, both the petitioners should have been given preference over the other candidates. A perusal of the judgment of our High Court in W.P.No. 6321 of 2006 reveals that in the said case, the in-house candidates were cleared by the Selection Committee and it was forwarded for approval of the statutory authorities. However, the statutory authorities had refused to approve said selection on the ground that the said candidates were not sponsored by the employment exchange. But in the present case, both the petitioners have not even cleared the screening test and naturally they were not called for the interview. Therefore, the judgment relied upon by the writ petitioners is not applicable to the facts of the present case.



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10. In view of the above said facts, the petitioners who have not cleared the screening test are not legally entitled to seek a mandamus to appoint them as Lecturers in the second respondent Polytechnic College and there are no merits in these writ petitions.

11. Accordingly, these Writ Petitions stand dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

03.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Commissioner,
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2. The Principal,
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R.VIJAYAKUMAR,J.

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