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W.P.No.424 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.424 of 2024
and W.M.P.No.456 of 2024

Dr.S.Gobi

... Petitioner

-Vs-

1. The Tamil Nadu Dr.Ambedkar Law
University,
represented by its Registrar,
“Poompozhi”, 5, Dr.D.G.S.Dinakaran Salai,
Chennai – 600 028.
Assistant Professor (Economics)

2. Dr.Nirmal Kumar.M

3. Dr.Chinnu M.D.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records from the first respondent relating to the list of Selected candidates for the post of Assistant Professors published vide proceedings dt.19.12.2023 bearing Ref.No.Nil and all consequential proceedings and quash the same insofar as it declares the respondents 2 and 3 as selected for the post earmarked for scheduled Caste (Arunthathiyar) (W) (DW) (PSTM) as illegal, arbitrary, unconstitutional and without jurisdiction and to consequently direct the first respondent to



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declare the petitioner as selected / appointed to the post of Assistant Professor (Economics) in the first respondent University with effect from 19.12.2023 when the other candidates were selected / appointment together with pay and salary benefits, service and all other attendant benefits which the petitioner would have been given/paid had his name has been included in the selection list dated 19.12.2023 published by the first respondent.

For Petitioner	: Mr.K.Srinivasa Murthy
For R1	: Mr.Arun Kumar Rajan Standing Counsel
For R2	: Mr.M.Suresh
For R3	: Mr.S.Sathiyarayanan

ORDER

This writ petition has been filed challenging the selection list of candidates for the post of Assistant Professors dated 19.12.2023 published by the first respondent.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner belongs to Scheduled Caste Arunthathiyar community (herein after called as SC(A)). He is qualified with 10th



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standard, +2, B.A, M.A, M.Phil and Ph.D in Economics. Therefore, he is eligible to be appointed as Assistant Professor in Economics. The petitioner is also working as Guest Lecturer and teaching Economics subject in Government Arts and Science College, Udumalpet. While being so, the first respondent issued notification for recruitment to fill up 60 posts of Assistant Professors in different Department dated 18.03.2023. Out of 60 posts, 3 posts are meant for Economics Department, in which one post earmarked for General Turn (briefly referred to as GT, one post reserved for Scheduled Caste Arunthathiyar (Women) (Destitute Widow) (Person studied in Tamil Medium) (briefly referred to as SCA (W)(DW) (PSTM) and one post for Most Backward Community/Denotified Community (briefly referred to as MBC/DNC).

4. The methodology for calculating score for the post of Assistant Professor was detailed in Annexure-I as follows:-

S.No	Heads	Marks
1.	Academic Score	80
2.	Research Publications	10
3.	Teaching Experience	10
		100 marks



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5. The petitioner had applied for the said post and his certificates were verified on 07.12.2023. Thereafter, the petitioner was subjected for interview and the first respondent published the selection list for the post of Assistant Professor on 19.12.2023. Insofar as the Economics department is concerned, the respondents 2 and 3 were selected to the post of Assistant Professors. Though three candidates were shortlisted for interview under the SC(A) including the petitioner, the petitioner was not selected to the said post. As per the notification, in the absence of any women candidate belonging to SC(A), the post will be filled as per the State Government reservation policy and candidates belongs to Scheduled Caste and others will be considered for appointment. In case of no suitable candidates for posts reserved for women, candidates from other genders will be considered for appointment. However, the first respondent selected the third respondent who belongs to Scheduled Caste. Hence, this writ petition.

6. The learned counsel for the petitioner would submit that the petitioner belongs to SC(A) community. He should have been selected in



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the place of third respondent. When the post is reserved for SC(A) Women candidate and in the absence of a women candidate, the male candidate belonging to SC(A) should have been selected to the post of Assistant Professor. Therefore, the first respondent failed to follow the rule of reservation. Hence, the selection of Scheduled Caste candidate viz., the third respondent in the post reserved for women candidate belonging to SC(A) community is illegal. When the petitioner is very much available in the category of SC(A), the first respondent ought to have selected the petitioner in the same category viz., SC(A) Male.

7. A perusal of the counter filed by the first respondent and the submissions made by the learned Standing Counsel appearing for the first respondent revealed that the second respondent has been selected to the post of Assistant Professor (Economics) reserved for General Turn. Therefore, he is not a necessary party to the writ petition. Insofar as the post of Assistant Professor (Economics) is concerned, as per the notification, three posts were called for. There were 33 candidates who had attended the interview. Two SC(A) candidates had appeared before



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the Selection Committee for the post of Assistant Professor (Economics).

The Selection Committee consists of 10 experts assessed the potentiality of the candidates based on various components. Accordingly, the third respondent was selected to the post of Assistant Professor (Economics) in the cadre of SC(A), since no candidate was found suitable in SC(A)(W). Further, after giving due weightage to the qualifications of the petitioner, the total marks secured by the third respondent was far less than the total marks secured by the third respondent. Therefore, the performance of the petitioner in the interview was not up to the satisfaction of the Selection Committee.

8. It is relevant to extract the portion of the notification dated 18.03.2023 as follows:-

“ Note:-

The post will be filled as per the State Government Reservation Policy.

In case of no suitable candidates in SC (Arunthathiyar), candidates belonging to SC (Others) will be considered for appointment.

In case of no suitable candidates for posts reserved for women, candidates from other genders will be considered for appointment.”



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9. As per the State Government reservation policy, Rule 26(1) says that women alone shall be appointed to a post in any institution or establishment specially provided for them.

10. Rule 26(5) of the State Government reservation policy states as follows:-

“ 26 (5) If a qualified and suitable woman candidate belonging to Scheduled Castes, Scheduled Tribes, Backward Class Muslims, Backward Classes, Most Backward Classes or Denotified Communities or General Turn is not available for selection for appointment in the turn allotted for women in the cycle, then, the turn so allotted shall go to a male candidate within the respective category. In respect of the posts to which the rule of reservation of appointments does not apply, then, the turn so allotted shall go to the next male candidate.”

11. It is relevant to extract Rule 27 (a) with provision as follows:-

“ 27 (a) The unit of selection for appointment, for the purpose of this section, shall be two hundred, of which thirty six shall be reserved for the Scheduled Castes including six offered to Arunthathiyars on preferential basis amongst the Scheduled Castes, two for the Scheduled Tribes, fifty three for the Backward Classes (other than Backward Class Muslims, Most Backward Classes and Denotified Communities), seven for the Backward Class Muslims, forty for the Most Backward Classes and the Denotified Communities and sixty two shall be filled on the basis of merit.



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Provided that if even after filling up of the required appointments or posts reserved for Arunthathiyars amongst the Scheduled Castes in Schedule-V, if more number of qualified Arunthathiyars are available, such excess number of candidates of Arunthathiyars shall be entitled to compete with the other Scheduled Castes in the inter-se-merit among them and if any appointment or post reserved for Arunthathiyars remain unfilled for want of adequate number of qualified candidates, it shall be filled up by Scheduled Castes other than Arunthathiyars. ”

12. As per the proviso, if any appointment or posts reserved for Arunthathiyars remain unfilled for want of adequate number of qualified candidates, it shall be filled up by Scheduled Castes other than Arunthathiyars. Though the petitioner belongs to SC(A), he was not suitable for appointment for the post of Assistant professor as per the Selection Committee. That apart, in case of no suitable candidates for posts reserved for women, candidates from other genders will be considered for appointment. Therefore, it does not mean the candidate should belong to same category namely SC(A). Further, in case of no suitable candidates in SC(A), candidates belonging to SC (Others) will be considered for appointment. Therefore, the petitioner was not selected to the post of Assistant Professor. The first respondent had rightly followed the rule of reservation and appointed the third respondent to the



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post of Assistant Professor (Economics) in the category of SC(A)(W).

13. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is devoid of merits and is liable to be dismissed.

14. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

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Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

The Registrar,
The Tamil Nadu Dr.Ambedkar Law
University,
“Poompozhi”, 5, Dr.D.G.S.Dinakaran Salai,
Chennai – 600 028.
Assistant Professor (Economics)

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