



W.P.Nos.29377 of 2010, 34151 of 2012 and 18015 of 20...

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.06.2024

PRONOUNCED ON : 26.06.2024

CORAM

THE HON'BLE MR. JUSTICE **BATTU DEVANAND**

W.P.Nos.29377 of 2010, 34151 of 2012 and 18015 of 2017,

MP.Nos.1 of 2010, 1 and 2 of 2012 and

WMP.Nos.19579 of 2017, 21051, 21052 of 2019 and 19944 of 2021

WP.No.29377 of 2010

S.Sundararaman

... Petitioner

Vs.

1. The Pondicherry University,
Rep. By its Registrar,
R Venkataraman Nagar,
Kalapet, Puducherry 605 014.
2. The Executive Council,
Rep. by its Chairman,
Pondicherry University,
R Venkataraman Nagar,
Kalapet, Puducherry 605 014.
3. Ms.Tasneem Abbasi
4. Mr.S.A.Abbasi,

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W.P.Nos.29377 of 2010, 34151 of 2012 and 18015 of 20...



Co-ordinator for the Centre for Pollution Control &
Environment Technology Department,
Pondicherry University,
Residing at Green House Middle Street,
Chinna Kalapet, Puducherry.
5. Mr.S.Loganathan
Registrar,
R Venkataraman Nagar,
Kalapet, Puducherry 605 014.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare that the approval of the Selection and appointment of the third respondent as Lecturer in the Centre for Pollution Control and Energy Technology pursuant to the Notification dated 01.04.2010 as illegal, null and void and to consequently consider the candidature of the petitioner herein on the basis his qualification, eligibility and performance and to select and appoint him as Lecturer in the Centre for Pollution Control and Energy Technology.

For Petitioner : Mr.K.Moorthy

For Respondents

for R1 : Mr.A.V.Bharathi
for R2 : Dr.B.Ramaswamy
for R3 : Mr.T.Sai Krishnan
for R4 : Mr.Menon



W.P.Nos.29377 of 2010, 34151 of 2012 and 18015 of 20...

WP.No.34151 of 2012

Dr.A.Sathianarayanan

... petitioner

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vs

1. Pondicherry University,
Rep. by its Registrar,
Puducherry 605 014.
2. Government of Puducherry,
Rep. by its Chief Secretary,
Puducherry.
3. Tasneem Abbasi

... respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for records from the first respondent relating to the order Ref.No.PU/Estt(T)/ET-4/2010-11/598 dt. 03.12.2010 issued in favour of third respondent, quash the same and consequently direct the first respondent to appoint the petitioner with effect from 30.03.2009 with backwages, continuity of service and other attendant and consequential benefits.

For Petitioner : Mr.Balan Haridas

For Respondents

for R1 : Mr.A.V.Bharathi
for R2 : Mr.Dr.B.Ramaswamy
for R3 : Mr.T.Sai Krishnan



WP.No.18015 of 2017

Dr.A.Sathianarayanan

... petitioner

VS

1. Pondicherry University,
Rep. by its Registrar,
R.V.Nagar, Kalapet,
Puducherry 605 014.
2. Vice Chancellor,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry 605 104.
3. The Registrar,
Anna University,
Guindy Campus,
Chennai 600 025.
4. Tasneem Abbasi
Assistant Professor,
Centre for Pollution Control &
Environmental Engineering,
Pondicherry University,
Puducherry 605 014.
5. Pondicherry Engineering College,
Rep. By its Principal
(Established and Funded by Government of Puducherry)
Pillaichavady,
Puducherry 605 014.

... respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to take action against the fourth respondent in terms of the report dated 09.06.2014



W.P.Nos.29377 of 2010, 34151 of 2012 and 18015 of 20...

submitted by the three men committee constituted to look into the appointment of the fourth respondent as Assistant Professor under the OBC Category and General Category at the Centre for Pollution Control and Energy Technology in the 1st respondent University and remove the fourth respondent from the post of Assistant Professor and consequently direct the first respondent University to fill up the vacancy in the post of Assistant Professor (earlier Lecturer) in OBC Category on the basis of the selection process conducted for the advertisement issued on 02.07.2008 or in the alternative issue fresh advertisement for selection to the post of Assistant Professor to enable the petitioner to participate in the selection process.

For Petitioner : Mr.Balan Haridas

For Respondents

for RR1 to 3 : Mr.A.V.Bharathi
for R4 : Mr.T.Sai Krishnan



COMMON ORDER

I.W.P.No.29377 of 2010 filed by S.Sundararaman:

1. This Writ Petition has been filed seeking to issue a Writ of declaration to declare that the approval of the Selection and appointment of the third respondent as Lecturer in the Centre for Pollution Control and Energy and Technology pursuant to the Notification dated 01.04.2010 as illegal, null and void and to consequently consider the candidature of the petitioner on the basis of his qualification, eligibility and performance and to select and appoint him as Lecturer in the Centre for Pollution Control and Energy Technology and pass such further orders.

2. The averment in the affidavit of the petitioner:

(i) He hails from Fisherman community, which belongs to OBC Category. He acquired degree in Bachelor of Technology (B.Tech) in Civil Engineering in the year 2001 and he acquired M.Tech degree in Environmental Engineering in the year 2004. He also acquired Doctorate in Civil Engineering during the month of April 2010. The Pondicherry Institute / first respondent herein issued a notification dated 02.07.2008 for



appointment to various posts of Professors, Readers and Lecturers in various areas of specialization. The petitioner submitted his application to the post of Lecturer (regular) in Pollution Control and Environmental Technology.

(ii) In the said notification, 3 posts were notified and out of the 3 posts one was earmarked for OBC Community and other 2 posts were earmarked for General Category. The minimum qualification and experience for appointment to the post of Lecturer in Centre for Pollution Control and Energy Technology prescribed in the notification are as under:

“Essential Qualifications:

First class Master's Degree in Environmental Engineering/Environmental Engineering & Mgt/Water & Environment Engineering/Public Health Engineering.

Desirable:

- i) Ph.D*
- ii) Bachelor's Degree in Civil / Chemical Engineering*
- iii) Experience of Research / Industrial consultancy as evidenced by publications in referred journals and/or completed industrial/consultancy assignments.*
- iv) Evidence of having qualified in GATE”*



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(iii) The petitioner had been found provisionally eligible to be called for an interview and sent a communication calling for interview on 14.03.2009. The petitioner attended the interview and in view of his efficient performance, he was under the bonafide impression and belief that he would secure appointment to the post of Lecturer in the Centre for Pollution Control and Energy Technology. However, he was shocked and surprised when he was not declared as selected and the third respondent herein was selected and appointed as Lecturer in the Centre for Pollution Control and Energy Technology under the OBC Category and one other candidate was selected under General Category. One other post, which was earmarked for General Category is unfilled declaring that there was no eligible candidate to the said post of Lecturer.

(iv) In the meanwhile, the petitioner had successfully completed Ph.D. Course in Civil Engineering and during the month of April 2010, he had acquired Doctorate in Civil Engineering. At this juncture, the first respondent issued fresh Notification for appointment to the post of Lecturer for the Centre for Pollution Control and Energy Technology vide Adv. No.RC/2010/008, dated 01.04.2010. The qualification prescribed for appointment to the post of Lecturer in Centre for Pollution Control and



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Energy Technology was revised, which reads as follows:

“Area of Specialization as essential:

Chemical Engineering/Environmental Engineering

Desirable:

1. *Bachelor's Degree in Engineering/Technology*
2. *Research/industrial experience in air/water pollution modelling or control/process safety”*

(v) The petitioner submitted his application and vide proceedings of the first respondent dated 27.10.2010, he was called upon to attend the interview scheduled on 28.11.2010. He attended the interview and in view of his qualification and experience, interest and involvement in the subject, he was able to render an excellent performance in the said interview.

(vi) A perusal of records consisting of the list of questions which was posed to the petitioner during the interview by the Vice Chancellor would itself demonstrate, substantiate and justify his claim for selection and appointment to the said post. In view of the petitioner acquiring Ph.D. Qualification which is a desirable qualification, which no other candidate possessed on the date of submission of the application and in view of his



enhanced experience and excellent performance in the interview, he did not have any hesitation to nurture the legitimate expectation that he would be appointed to the post of Lecturer in the Centre for Pollution Control and Energy Technology. However it has come as a rude shock and surprise to him on coming to know that the first respondent in their Minutes of 106th meeting of the Executive Council of the University i.e., second respondent herein held on 29.11.2010 as per the recommendations of the Selection Committee insofar as the selection of the third respondent for the post of Lecturer (General Category) in the Centre for Pollution Control and Energy Technology was approved with protection of salary. Even during the interview, when the third respondent was present, the petitioner was under the impression that she was in the premises only in the capacity of the Lecturer appointed in the previous year selection under OBC Category. The third respondent herein is none other than the daughter of S.A.Abbasi, Head of the Department of Pollution Control and Environmental Technology Department and Co-ordinator for the Centre for Pollution Control and Energy Technology Department, who is the fourth respondent herein. The third respondent had originally seems to have been appointed as Lecturer in the very same Department and in the very same Centre on contract basis for



the academic period i.e., 2007-08 and extended upto 2008-2009. Later, in pursuance of the earlier notification, dated 02.07.2008, she has been selected and appointed as permanent lecturer (under OBC Category) in the very same Centre.

(vii) The petitioner was aggrieved by the said selection in view of the fact that he was fully qualified and eligible for the post of Lecturer under the OBC Category. On the other hand, the third respondent being the daughter of the fourth respondent herein, who has been serving as Head of the Department and Co-ordinator of the Pollution Control and Energy Technology has been selected and appointed under OBC Category. Since the petitioner was pursuing Ph.D. course, he did not have time and energy to litigate against the selection of the third respondent as per the earlier notification. However, he came to know that one Satyanarayanan preferred WP.No.24200 of 2009 before the High Court of Madras against the selection and appointment of the third respondent on various grounds, especially that she belongs to creamy layer and she produced a false certificate as if she belongs to OBC Category.



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(viii) The respondents having apprehended with the appointment of the third respondent under OBC Category might be challenged in the Court of law, seems to have kept one post in the General Category unfilled and now without any rhyme or reason allowed a person, who has been permanently appointed to a post under OBC Category in the earlier selection procedure to participate in the present selection process in pursuance of the fresh notification made on 01.04.2010. During the process, the respondents have not made any attempt to expose their intention clearly to formally convene a selection process only in order to select and appoint the third respondent in the Centre for Pollution Control and Energy Technology, in which the respondent's father is the coordinator.

(ix) The qualification prescribed for appointment to the post of Lecturer on the earlier notification dated 02.07.2008 was “First Class Master's Degree in Environmental Engineering/Environmental Engineering & Mgt/Water & Environment Engineering/ Public Health Engineering with Ph.D as desirable qualification”. In view of the fact that the third respondent herein had specialized in Chemical Engineering, the area of specialization itself has been modified in the present Notification dated 01.04.2010 and the



essential qualification reads as “Chemical Engineering/Environmental Engineering”. That apart, in view of the fact that as on the date of application for participation in the said selection process, the third respondent would obviously was not in a position of acquiring Ph.D. qualification. The Ph.D. qualification which was specified as desirable qualification in the earlier Notification dated 02.07.2008 has been omitted to be included as desirable qualification in the present Notification dated 01.04.2010. Thus, the area of specialization and the desirable qualification for all have been modified and revised apparently in order to accommodate the interest of the third respondent herein.

(x) In any event, the third respondent cannot be allowed to be considered for appointment to the post of Lecturer in the Centre for Pollution Control and Energy Technology. The petitioner is given to understand that the third respondent has joined the B.Tech course and completed in the year 2002 and has further proceeded for M.Tech course during 2003. Further she has acquired M.S. Course in the University of Surrey, U.K. during the year 2004. She has acquired M.Tech qualification only during the year 2008. Moreover, the M.S. degree which she has



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completed has not been recognised as a Post Graduate course by the University Grants Commission for appointment and cannot be taken as a essential or desirable qualification, even for consideration of her candidature in the post of Lecturer in the respondent University. The third respondent who was already working as contract Lecturer in the very same Department in which her father is the Head of Department and Coordinator of the Center and somehow also seems to have simultaneously underwent the regular M.Tech course in the Pondicherry University and acquired qualification in the year 2008. The petitioner is unable to understand as to how a candidate could undergo the M.Tech course for a period of 5 years during the year 2003 to 2008, as the M.Tech course could only extend up to four years in a normal course. The Minutes of the 106th Meeting in which the selection of the third respondent has been approved by the Executive Council of the respondent University, the third respondent has been addressed as “Dr.Tasneem Abbasi”, which once again exposes the petitioner to shock and surprise. A mere perusal of the profile of the third respondent as a faculty member of the Pondicherry University as provided for the period from July 2004 to June 2009 would reveal that the third respondent has not acquired Ph.D. qualification at that point of time. The very same profile of the third



respondent would reveal that she has acquired M.Tech qualification only during the year 2008. Only after acquiring the PG degree, she could have enrolled herself in Ph.D. course. A candidate who has completed the M.Tech degree only during the year 2008, seems to have acquired Ph.D. Degree, even within a period of two years and even while she was already working as Lecturer on contract basis during March 2009, thereafter as a permanent Lecturer w.e.f. April 2009.

(xi) It is the case of the petitioner that the third respondent has produced a false certificate as if she belongs to OBC Category, on that sole ground she cannot be allowed to participate in any selection process. The third respondent, who was holding the permanent post of Lecturer even at the time of the subsequent notification dated 01.04.2010, the date of interview and as on the date of appointment, ought not to have been allowed to participate in the subsequent selection process for the very same post of Lecturer, unless and until her earlier appointment is cancelled or set aside in the Court of Law, prior to the participation in the second selection process. The essential qualification and the desirable qualification have been suitably modified and revised without any rhyme or reason for accommodating the



interest of the third respondent, which is evidenced from a perusal of the records and also from the information furnished under the RTI Act.

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(xii) The manner in which the third respondent has acquired the M.Tech qualification as well as Ph.D. qualification is obviously questionable and in any event, even according to the third respondent, she could not have acquired the Ph.D. qualification at the time of submission of the application for appointment to the post of Lecturer in pursuance of the notification dated 01.04.2010. Thus, the third respondent who is none other than the daughter of the Head of Department and coordinator for the Centre for Pollution Control and Environment Technology has apparently and obviously shown undue favoritism and the entire selection process is conducted in pursuance of the Notification dated 01.04.2010 is farce in order to accommodate the interest of the third respondent.

(xiii) The respondents herein have also prolonged the selection process w.e.f. 01.04.2010 till the month of November 2010, so as to enable the third respondent to acquire the Doctorate qualification. In any event, the petitioner has already acquired the Ph.D. qualification even at the time of



submission of the application for the said post with all the qualifications and eligibility and he had also successfully performed in the selection process, and there is absolutely no rhyme or reason for not selecting the petitioner and the petitioner has been deprived of his right in a free and fair manner for selection and appointment to the post of Lecturer under the OBC Category or in General Category, only in view of the favoritism shown towards the third respondent herein. The petitioner has already been exposed to grave hardship, mental agony and irreparable loss, in view of his non-selection against the OBC Category during the previous selection and under the General Category in the present selection.

(xiv) The first respondent has deliberately and suitably reversed the area of specialization and the qualification prescribed for the post only in order to accommodate the interest of the fourth respondent so as to select and appoint the third respondent for the said post and that is the only reason for accepting her false certificate as a member belonging to OBC community in the earlier round and to keep one post of Lecturer in General Quota unfilled in case of any problem to her appointment under OBC community and later to reuse and modify the qualification and unduly influence all the members of the Executive Council to recommend the name



of the third respondent and to finally approve and select and appoint her with protection of pay. Hence, the entire impugned selection proceedings is an outcome of malafide motives of the fourth and fifth respondent.

(xv) The petitioner sought to declare that the approval of selection and appointment of the third respondent as Lecturer in the Centre for Pollution Control and Energy Technology pursuant to the Notification dated 01.04.2010 is illegal, null and void and sought to allow the Writ Petition and consequential direction to consider the candidature of the petitioner for appointment as Lecturer in the said Center.

3. The averments made in the counter affidavit filed by the respondents 1, 2 and 5:

(i) The second respondent published advertisement on 02.07.2008 calling for applications for recruitment of various faculty positions. In Pollution Control and Energy Technology 3 posts of Lecturer were notified. Out of 3 posts, 2 posts were under General Category and 1 post under OBC Category. The Screening Committee was constituted for the purpose of scrutinizing the applications received from the candidates for the post of Lecturers in Pollution Control and Energy Technology with reference to the



notification and the short listed candidates were called for interview. The

Selection Committee recommended the following two candidates:

a) Mr.S.Sudalai – General Category

b) Ms.Tasneema Abbasi – OBC Category

No candidate was recommended for the 3rd position under the General Category. The Executive Council of the University in its meeting held on 19.03.2009 accepted the recommendation of the Selection Committee for appointment of the above candidates as Lecturers in Pollution Control and Energy Technology and offer of appointment was sent to both the selected candidates and they joined on 08.05.2009 and 01.04.2009 respectively.

(ii) The third respondent was appointed as Lecturer in the Centre for Pollution Control and Environment Engineering against OBC Category based on her selection to the post by the duly constituted Selection Committee and on submission of OBC certificate issued in the prescribed format by the competent authority of Government of Pondicherry. While she was working in the above said capacity, a doubt arose about the validity of her OBC certificate and the said issue was placed before the Government of Pondicherry by the first respondent. In respect of the same, the members of



the District Committee have gone through various documents and on hearing the third respondent, the District Committee by an order dated 20.09.2007 recommended to cancel the OBC certificate of the third respondent. Based on the recommendations of the District Committee, the District Collector cancelled the OBC certificate issued to the third respondent vide order No.1822/DRDM/C2/2009, dated 25.06.2010.

(iii) A copy of the order of the District Collector was received by the respondent University on 29.06.2010. The cancellation of OBC certificate of the third respondent was placed in 105th Executive Council meeting held on 07.08.2010 and the Council resolved that since the OBC certificate issued to the third respondent has been withdrawn by the competent authority, her appointment against the vacancy reserved for OBC is no longer valid and the post given to the third respondent under the OBC Category be treated as vacated and re-advertised accordingly. It is pertinent to point out here that the respondent University sought for highly qualified, dedicated and academically productive faculty members for recruitment of various faculties inclusive of the post of Assistant Professor under General Category in the Centre for Pollution Control and Energy Technology vide



advertisement No.RC/005, dated 11.09.2009. The said advertisement was an All India advertisement. The University Grants Commission since informed that till the finalisation of revised regulations the existing UGC Regulations, 2000 as amended from time to time will be applicable for recruitment of Teachers in the Lecturer, Reader and Professor Level, whereupon the respondent University notified vide advertisement, dated 11.09.2009 proposed to fill in the corresponding grade i.e., at the level of Lecturer instead of Assistant Professor, at the level of Reader instead of Associate Professor and in the grade of Professor.

(iv) As the third position for the General Category had been advertised and the selection was yet to be made, the third respondent was permitted (as approved by the Executive Council in meeting dated 07.08.2010) to attend the interview on 28.11.2010 along with 4 other eligible candidates out of 7 called. Being satisfied with her qualification and merit, she was recommended by the Selection Committee and accordingly, she was offered the post of Assistant Professor under General Category. The third respondent joined the post of Assistant Professor on 03.12.2010. Subsequently, as resolved by the Executive Council vide resolution



No.2011.107, dated 24.03.2011, she was declared to have satisfactorily completed her probation period in the post of Assistant Professor w.e.f. 03.12.2010 as she had already completed more than one year of satisfactory service and was assessed by the students with the highest score among all teachers of the Centre, she was accordingly confirmed in the post of Assistant Professor w.e.f. the same date (03.12.2010) subject to the outcome of this W.P.No.29377 of 2010 vide office order No.PU/Estt/ET4/2011-12/26, dated 27.04.2011.

(v) As the petitioner was not qualified at the relevant point of time pursuant to the Notification dated 02.07.2008, he was not selected. The petitioner cannot contend that his performance was excellent, which is to be decided by the Selection Committee, and the petitioner on his own cannot claim to have performed the interview in an excellent manner. The allegation of the petitioner that no other candidate possessed Ph.D. qualification on the date of submission of the application is incorrect. In response to the advertisement, totally 57 candidates applied, out of whom 7 candidates possessing the requisite qualification were called for interview. Out of 7, 4 candidates including the petitioner and the third respondent



appeared for the interview. The third respondent was recommended by Selection Committee based on her qualification and performance as per the procedure, the same was duly recorded in the minutes of 106th meeting of the Executive Council on 24.11.2010. The third respondent was working in the University on contract basis with effect from 08.10.2007 to 31.03.2009 and on regular basis from 01.04.2009.

(vi) The respondents strongly denies the allegation that they selected respondent No.3 as being the daughter of the serving HOD and Co-ordinator. W.P.No.24200 of 2009 has been dismissed by this Court. The third respondent was earlier appointed as Lecturer against OBC Category on her submission of OBC certificate issued by the competent authority of Government of Pondicherry. Consequent to the cancellation of the OBC certificate, her appointment against the OBC position was treated as vacated. As resolved by the Executive Council, the third respondent was temporarily accommodated against the vacant position of Lecturer in unreserved category. Under no circumstances these respondents accommodated the interest of third respondent as alleged by the petitioner. When the actions of the respondent University are bonafide and genuine, the question of escape



from the clutches of law does not arise since the selection was done in accordance with the procedure. Since the petitioner is not selected, he is making unwanted allegations against these respondents. The allegation that the qualification and desirable qualification have been modified is not correct, as these were prescribed much before the cancellation of appointment of the third respondent.

(vii) The petitioner having participated in the selection process and not being selected to the post of Lecturer and thereafter challenging the selection, is bad in law. The Supreme Court in catena of judgments has held that having unsuccessfully participated in the process of selection without any demur, the petitioner is estopped from challenging the selection criteria. The unsuccessful candidate like the petitioner cannot challenge the selection process at a later stage after having participated in the selection process. As such, the Writ Petition is devoid of merits and substance and unsustainable in law and prayed to dismiss the Writ Petition.

4. The averments made in the rejoinder of the writ petitioner to the counter of the respondents 1, 2 and 5:



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(i) The OBC certificate produced by the third respondent was found to be false and the third respondent was made to vacate the post of Lecturer / Assistant Professor on 07.08.2010, however she was accommodated by respondents 1, 2 and 5 upto 02.12.2010 in the same capacity without issuing any official order to the individual and without any break in service. From the RTI letter dated 11.02.2013, it is seen that the third respondent was in service as Lecturer in regular under OBC Category from 01.04.2009 to 02.12.2010. In the subsequent RTI letter dated 05.03.2013, it was stated that her appointment against the vacancy reserved for OBC is no longer valid and hence the OBC position be treated as vacated as on 07.08.2010. It clearly demonstrates that the period of her service in OBC Category and General Category are contradictory. Further, it states that for the time being she may be temporarily held against the vacant position of Lecturer which is unreserved and she may be asked to appear before the Selection Committee as and when held for the unreserved vacancy and take a chance. The respondents 1, 2 and 5 were found to be in clear mind to do favour to the third respondent and were keen to keep her in the University.

(ii) It is submitted that accordingly in the selection process conducted



for the said post under General Category, the third respondent was again selected by the University, as already pre-planned by the respondents 1, 2 and 5 and this is evident from RTI reply letter dated 05.03.2013. The third respondent was issued with the order once again and she joined as Lecturer on 03.12.2010. While issuing the appointment order to the third respondent, the second respondent posted her as Assistant Professor, specially mentioning that her pay has been protected in the pay drawn for the previously held post under OBC Category. On the expiry of 3 months of her joining the post, another order dated 27.04.2011 was issued in which it was ordered that her probation period in the post of Assistant Professor will commence from 03.12.2010, the date of her joining duty as such. The service period pertaining from 01.04.2009 to 07.08.2010 cannot be taken as a valid service for declaring probation confirmation, since the said service period as Lecturer/Assistant Professor under OBC Category was cancelled by the Executive Council Committee for the reasons that her OBC Certificate was found to be a bogus one. The case is still pending with the Government of Puducherry by filing a First Information Report in a Police Station of the Union Territory. Admittedly, the third respondent has obtained M.Tech degree in the year 2008, while she was working on



contractual basis which extends from 08.10.2007 to 31.03.2009. As it is very clear, the period of contractual work and the acquisition of degree collided in the same period. It is not possible for anyone to acquire regular M.Tech degree simultaneously, because the third semester exam was conducted in the month of December 2007 and the fourth semester was conducted in the month of June 2008 by the Pondicherry Engineering College, where she completed her M.Tech regular course. No permission was obtained from Pondicherry Engineering College to work as Lecturer in Pondicherry University.

(iii) It is seen from the counter affidavit, that the third respondent acquired Ph.D. Degree in the year 2010 from Anna University, Coimbatore. It is submitted that Anna University, Coimbatore in its reply dated 25.02.2011 under RTI Act have stated that no candidate was awarded Ph.D. during the year 2010. Hence, the irresistible conclusion would be that it is impracticable being a regular faculty in Pondicherry University and without proper basic qualification and experience to obtain a Ph.D Degree from Anna University, Coimbatore during August 2007 to November 2010. In the same manner, it is admitted in the counter affidavit that M.S.degree was



obtained in 2005, is not correct. The third respondent possessed only M.Sc. Degree, which is not recognised as a Post Graduate Course by UGC because of the duration of 10 months. The respondents 1, 2 and 5 have failed to answer this aspect in their counter affidavit and are evasive on this.

5. The averments in the counter affidavit filed by the third respondent:

(i) The Pondicherry University by a notification dated 01.04.2010 called for applications for appointment to the posts of inter alia, Lecturer and Associate Professor in the Centre for Pollution Control and Environmental Engineering. The third respondent submitted that she possess Post Graduate Degree in Environmental Engineering, which is the essential qualification and she also possess the desirable other qualifications and she fulfill the age and the other criteria. Indeed she also had the experience required for the higher of the two posts viz., Reader, that were advertised. As such, she applied for appointment to the said post and she was called to appear for an interview before the duly constituted Selection Committee on 28.11.2010. After that, by an offer of appointment dated 03.12.2010, she was selected and offered the above post of Assistant Professor and accordingly she joined the said post and she is working in the post as on date.



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(ii) In the affidavit filed in support of this Writ Petition, the petitioner has raised 3 different contentions. Firstly, it is his contention that there was an earlier notification on 13.02.2009 in which, the essential qualification was “Post Graduate Degree in Environmental Engineering / Environmental Engineering and Management / Water and Environmental Engineering / Health Engineering.” Whereas, in the present notification against which the Writ Petition has been filed, the essential qualification is altered as “Chemical Engineering / Environmental Engineering”. The allegation of the petitioner is that the third respondent possess only Chemical Engineering and as such, only to suit her, the Rules have been made to include Chemical Engineering and as such, the selection is bad. The above repeated averments found in various paragraphs of Writ Petition are factually incorrect. Firstly, she do not possess Masters Degree in Chemical Engineering but Environmental Engineering. As such, she was qualified even as per the Rules which were in force in the year 2009 as well as in the year 2010. By newly adding the discipline of Chemical Engineering, she is no way benefitted. As such, the entire allegations as if she was qualified only because of the newly changed essential qualification and that is also changed



only to favour her are all totally unsustainable, incorrect and baseless.

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(iii) The second contention raised by the petitioner is that since she was already working as Lecturer in the same Centre for Pollution Control and Environmental Engineering, she cannot be permitted to apply pursuant to the notification dated 01.04.2010. The said contention is again fallacious because the Rules does not prohibit persons, who are already holding the post to apply. The third respondent's earlier selection was under the Backward Class quota and her Backward Class certificate was being questioned and proceedings were taken for cancellation of the same and also for cancellation of her earlier appointment and as such, the present advertisement was for a post under the General Quota and therefore, she applied for the same. That apart, third respondent's earlier appointment was also cancelled by the first respondent University by an order dated 25.08.2010. Therefore, various repeated averments as if she should not be permitted to apply in the present notification is totally without any basis whatsoever and therefore, it is liable to be rejected.

(iv) The next contention of the petitioner is that when two posts were



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called for in the year 2009, he had also applied even though he was fully qualified, one post as against the General Quota was not filled up and as such, he should have been appointed under the General Post and it is his further contention that only because the appointment of the third respondent under the Backward Class quota was questionable, the same was kept vacant. The said contention, as a matter of fact, is not only unsustainable but there is something in her favour. Having found the third respondent more meritorious, the first respondent ought to have appointed her as against the General Post. Only because of their innocuous mistake in appointing her as against OBC quota, her earlier appointment came to be cancelled and she has to compete once again along with the open market candidates. Therefore, far from favouring her, the earlier exercise was a bit unfair to her and she lost her valuable selection, seniority, service and all benefits on account of the same. Further, if the petitioner was qualified and he has not been selected for any reasons, it was very well open for him to challenge the action of the said respondent University which he did not do so. Even in the present Writ Petition, he has only challenged the selection process of the year 2010. If he challenges the selection process of the year 2009, as a matter of fact, it would be favouring her and rather she would get her



appointment from the year 2009 itself. Therefore, the said contention is totally unsustainable.

(v) Further averments that the petitioner is more meritorious than the third respondent and she has been given preference by malafide action since her father is working as a Professor in the same Department are totally false. Merely because she chose to study a discipline, i.e., Environmental Engineering, which her father also did, there is no embargo or prohibition in law that she should not do so. Having studied the said discipline, she has every right to apply in Pondicherry University, as Pondicherry being her residential and native place. The third respondent's father was not a part of the Screening committee, Selection Committee or any other aspect of the selection process. He was in no way involved in the entire selection. A duly constituted Selection Committee assessed her along with others, including the petitioner and found her the fittest. All through the academic career in all her degrees she had come out in first class with distinction and she qualified in the All India GATE Exam and on that basis, she was admitted with scholarship in the Pondicherry Engineering College, where from she completed her Bachelors and Post Graduate degrees. She further pursued



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M.Sc. on a fully funded scholarship which also she passed in first class with distinction in Water and Environmental Engineering discipline from the University of Surrey, U.K. She was one of the toppers in the GATE examination and in her study for the M.Sc. Degree in UK also, she was the topper among 26 international students. The petitioner does not possess any of these distinctions. She thereafter did her research in Environmental Engineering and was awarded Ph.D. degree by the Anna University of Technology in 2010. She had co-authored 8 books. She has many more publications to his credit than the petitioner, which have been published in high quality international research journals and also she has several other international recognitions. By every yardstick she by far better qualified and accomplished than the petitioner. Faced with the gains she had due her unstinted arduous, sincere, academic toil, the petitioner simply brushed aside the same, frivolously making an allegation that merely because of her father is working as a Professor, she was favoured and selected. She deny the said scurrilous allegations with very deep pain and anguish. She has been considered on merit and she has been appointed through a full, due, regular process. The repeated averments of malafide is absolutely incorrect and false.



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(vi) With regard to the further allegation of the petitioner, which relates to her Ph.D Degree and M.Sc. Degree from University of Surrey, it is submitted that the minimum period of requirements by the Anna University to complete Ph.D in Engineering discipline is only 2 years and even that period can be reduced with special permission. She had completed here Ph.D in 2 ½ years after finishing her M.Tech in 2008. Therefore, there is nothing irregular in her research and the Anna University of Technology, Chennai had awarded the Ph.D Degree as per due procedure. The further averment of the petitioner is that that she obtained M.Sc. Degree from the University of Surrey, which is not a recognised degree by the UGC and therefore her selection is bad. This is again unsustainable because her essential qualification is M.Tech Degree awarded by the Pondicherry University, which is very much a recognized degree and M.Sc. Degree which she possess is only over and above the same and therefore, the question of its recognition and otherwise is irrelevant.

(vii) Regarding her OBC certificate, it is the submission of the third respondent that even in the Writ Petition filed by the one Satyanarayanan,



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she has explained in detail that she has not obtained any false OBC certificate and on the other hand, she belongs to Muslim-Labbai Community which is a backward community. The said certificate is fully valid for the purpose of education. Only in respect of the employment by virtue of judgment of the Hon'ble Supreme Court of India from the year 2004 onwards, the creamy layer was sought to be introduced and even then there are confusions as to i) whether major persons who are on their own would still be included from the Backward Class Category; ii) secondly, whether the creamy layer would also apply to the Muslim minority category; iii) whether the policy about the Backward Class that of the Union Territory of Puducherry or that Central Government has to be followed and the said matter are yet to be decided. Further, she did not want her career to be jeopardized on such legal nuances and interpretations and that is why she decided to accept her cancellation and contest on General Category post itself and got appointment. Therefore, the repeated averments about her Other Backward Class Category is totally irrelevant for the purpose of the present Writ Petition, which challenges her appointment in the General Category Post. The petitioner therefore, is not entitled to the relief prayed for in the above Writ Petition and the above Writ Petition is totally without



any merit and vexatious and sought to dismiss the same.

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6. The averments in the rejoinder filed by the Writ Petitioner for the counter filed by the third respondent:

(i) The petitioner states that in the year 2003, the third respondent joined M.Tech Course in Pondicherry Engineering College affiliated with the first respondent. The third respondent obtained GATE scholarship for the same utilising the funds of Government of India. The Scholarship specifies that the course should be completed in the stipulated time and no other scholarship should be permitted during the course. Before completing the course in 2004, the third respondent obtained another scholarship worth Rs.20,00,000/- to go to study M.Sc., which is a ten months course. Hence, the third respondent discontinued her M.Tech course and went abroad and finished her M.Sc. in 2005. Thus the third respondent also violated the GATE norms.

(ii) It was reliably understood that from the year 2002 to 2007, the third respondent worked as a Consultant in M/s. Changi Constructions and Consultant, Mumbai. Further the third respondent her mother and fourth



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respondent/the father of the third respondent were indulged in a consultancy business at Auroville Pondicherry for pecuniary benefits. He further states that from 08.10.2007, the third respondent joined as Lecturer on contract basis in time scale, in the Centre of Pollution Control and Environmental Engineering Technology where her father i.e., the fourth respondent worked as Co-ordinator, Director and Head of the Department, Pondicherry University. The M.Sc. obtained by her in abroad in ten months course was not recognised by the Indian Universities and UGC. The fourth and third respondents portrayed the M.Sc. (Water & Environmental Engineering) as M.S. Degree and deluded the University. They portrayed everywhere the degree as M.S. Degree in University Calendars, Diaries and resumes. The papers published for the third respondent's credit also mentioned the name of her father as co-author which demonstrates that the work done by her father using the first respondent University is enjoyed and benefited at the cost of the first respondent University. Further, in the Department attendance registers and other documents the fourth respondent projects his daughter namely the third respondent to his next level even though experienced highly qualified people were already working in that Department. Thus they committed the second violation by entering the first



respondent University by false claims by entering the services illegally.

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(iii) In the counter, the respondents have alleged that the third respondent has applied for Ph.D as a full time student before joining as Lecturer with the first respondent in the year 2007 at Anna University of Technology, Coimbatore and subsequently obtained her Ph.D. Degree as a part time student in the year 2010 within a period of two and half years. The Anna University of Technology, Coimbatore in a RTI reply in unequivocal terms has stated that they have not awarded any Ph.D to any student during 2010. This also transpires and indicates that the Ph.D. may also not be a genuine one. Thus the third respondent had committed violations by working as full time Lecturer in Pondicherry University, full time M.Tech student in Pondicherry Engineering College and full time/part time Ph.D. student at Anna University Coimbatore all simultaneously. Thus the third respondent committed violations by working as Lecturer and studied the M.Tech and Ph.D courses simultaneously without permission from the first respondent.

(iv) As the third respondent was vacated from the earlier OBC quota



appointment, her appointment order dated from 30.03.2009 to 25.08.2010 should not be taken as service for probation declaration. However, the first respondent University declared her service as more than one year as it took the account of false OBC services, so her services are continued in the OBC Category also. Thus in collusion with the first respondent University, the Authorities committed this violation by allowing her to continue as Lecturer without any break in service also. Thus the first respondent University authorities in collusion with 3rd and 4th respondents rendered injustice to the socially and economically weaker section by selecting an unqualified candidate and allowed to enjoy the benefits till date by depriving the eligible candidate.

(v) It is further stated that a 3-Member Committee was constituted in the University in the year 2013 to look into the matter and enquire the same. The committee has also submitted a report in 2014 finding fault on the manner of selection and highlighted the mistakes, fraudulent acts of the third respondent and the first respondent authority. But no concrete action was taken in this regard. The petitioner further states that upon continued directions from the Ministry of Human Resources Development, New Delhi



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and Chief Vigilance Commission, the first respondent University once again constituted another 3-Member Committee in the year 2018 to look into the various interview process held during the period of Dr. Tareem then then Vice Chancellor of the Pondicherry University. The Enquiry Committee submitted a report in the year 2018 finding fault on the appointment of the third respondent. In the recommendation both the committees observed that there were violations and favoritism. Despite the said reports were sent during the year 2018 itself no further action has been taken. It is unfortunate that the third respondent is enjoying all the benefits unlawfully from 2007 to till date with her father, who is the fourth respondent herein, in active collusion with the official respondents. The first respondent has not taken any action on the Committee's fact finding reports on the third respondent falsely on the pretext that the matter is sub judice. It is further stated that for the last 10 years, OBC Category post was not filled up and social justice is denied.

(vi) The first respondent failed to appreciate that even in the appointment letter dated 03.12.2010 where a declaration is sought for by the third respondent, if she gives any information and it is found to be incorrect or not in order or willfully suppressed, the University reserves the right to



withdraw the offer of appointment and cancel the appointment and to take such other action as may deem fit, which they failed to do. But unfortunately, despite the finding that OBC Certificate was cancelled, whereby the third respondent deprived the eligible candidate by procuring appointment by false and bogus certificate and the Executive Council treated the third respondent post as vacant position of Lecturer in unreserved category and also gave premium permitting her to participate in the next selection for unreserved vacancy and take a decision without any application being filed.

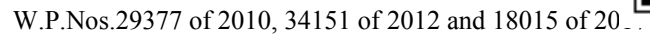
(vii) The petitioner sought to allow the Writ Petition with appropriate direction to be taken as against the third and fourth respondents and the official respondents due to the various mischiefs by them which is demonstrated with records and provide the post in terms of notifications and interview attended and also pay adequate damages towards the illegal deprivation of lawful employment for the past 12 years with exemplary costs and pass such further orders in the interest of justice.

7. The averments in the counter filed by the fourth respondent is that



even though the fourth respondent was the Head of the Centre for Pollution Control and Environmental Engineering, during 2 selections i.e., in the year 2009 and 2010, since his daughter was participating in the selection, he had kept himself out of the entire selection process. He had not clamored, favored with the fifth respondent or anybody else in the Selection Committee or Executive Council. His daughter got appointed on her own merit. She has exceptionally meritorious academic career with all degrees in first class with distinction. She holds 2 PG Degrees besides Ph.D and her research work has attained international recognition. She therefore stands on her own merit and was selected by a duly appointed Selection Committee purely on the strength of her accomplishments, and with full due regular process. The averments in the above Writ Petition that his daughter was shown favoritism because of him working there as a Professor and that one post was kept vacant only to accommodate her are all utterly false. Similarly, the averments that the selection was farce once that he caused and altered the essential qualification to favour her daughter are all absolutely false and he categorically deny the same and sought to dismiss the Writ Petition.

II. W.P.No.34151 of 2012 filed by Dr.A.Sathianarayanan



2. The averments in the affidavit of the petitioner:

43/104



who were in the Selection Committee were working along with Prof. S.A.Abbasi, who is the father of Tasneem Abbasi. That apart, Dr.E.V.Ramasamy who was one other Member in the Selection Committee has done Ph.D. research under the guidance of S.A.Abbasi. As expected Tasneem Abbasi was given the Lecturer post on 30.03.2009 in OBC quota, when admittedly she does not come under the OBC Category. The third respondent was not a Doctorate at the time of her appointment. However, the Pondicherry University for the best reasons known to them mentioned that the third respondent is a Doctorate. The petitioner made several representations to various authorities of the University against the appointment of the third respondent under OBC Category and finally it is established that the third respondent's selection under OBC Category was illegal. The third respondent's entire qualification is based on OBC certificate. When she had made false statement and obtained a Degree, the same cannot be used for the purpose of getting job.

(ii) Challenging the appointment order dated 30.03.2009 issued to the third respondent, the petitioner filed W.P.No.24200 of 2009 before this Court. During the pendency of the Writ Petition, enquiry was conducted by



the Collector-cum-Magistrate, Department of Revenue and Disaster

Management, Government of Puducherry and found that the third

respondent comes under creamy layer and cancelled the OBC certificate.

Based on this, the University terminated the services of the third respondent

on 29.11.2010. Within three days, she was given another appointment order

dated 03.12.2010. As the selection and appointment of the third respondent

on 30.03.2009 was cancelled, the Writ Petition No.24200 of 2009 was

closed with a liberty to challenge the appointment order dated 03.12.2010.

The petitioner was not furnished the copy of the appointment order dated

03.12.2010 of the third respondent and he obtained a copy of the said order

from another person, who got under Right to Information Act. As such, there

is a delay in filing this Writ Petition.

(iii) Though the third respondent has committed fraud and obtained the Lecturer post under a false OBC certificate, the University has given 3 increments by giving fresh appointment in 2010. In the order of appointment dated 30.03.2009, it is clearly stipulated that if wrong information is given by a candidate, the said person's service would be terminated without any notice. Having terminated the appointment of the



third respondent on the ground of furnishing false certificate to get appointment order in 2009, the University has advised the third respondent to attend another interview in General Category quota and selected the third respondent in 2010, which is illegal.

(iv) The petitioner gave a complaint on 12.08.2009 stating that the father of the third respondent paid Rs.5 lakhs to the Tahssildar for giving OBC Community Certificate to the third respondent. In fact R.Jayakumar the Tahsildar has informed the person who came along with the petitioner that there is nothing wrong in receiving the money. This was recorded by the said person Gopi, who was none other than a Press Reporter. Unfortunately, no action has been taken against the said R.Jayakumar. The very next day, the Tahsildar has given a false complaint under the influence of the third respondent's father against the petitioner and FIR was registered on 13.08.2009.

(v) As the petitioner was collecting details about the Prof. S.A.Abbasi, Tasneem Abbasi, Prof.J.A.K.Tareen, Vice Chancellor of Pondicherry University, S.Loganathan, Registrar and P.Subramanina, Deputy Registrar (Admn.) and as Prof. S.A.Abbasi is an influential person, he started



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harassing the petitioner by giving false complaint to the Police. These 5 persons were behind the scenes in all the illegal activities against the petitioner. The petitioner was assaulted by the Police in their custody. He was threatened with dire consequences. This led the petitioner to make a complaint to the Human Rights Commission. The Human Rights Commission headed by a retired Judge of Madras High Court gave a detailed report dated 31.07.2012 stating that OBC certificate was obtained by Prof.Abbasi for his daughter Tasneem Abbasi knowing that he is coming under creamy layer category and that the Police has initiated action without verifying the genuineness.

(vi) Earlier one murder had occurred in the Pondicherry University. One data entry operator by name Jayaraman was murdered in the examination scandal. The CBI is investigating the matter. Likewise, there are chances of untoward incidents against the petitioner by the persons who are affected by his questioning the authorities.

(vii) The Selection Committee of the University has finally accepted the petitioner's contention on 25.08.2010 that the OBC Certificate produced



by the third respondent was not a genuine one and terminated her services.

This is prior to the report of Human Rights Commission dated 03.12.2010. It was shocking that she was given appointment again on 03.12.2010 after 3 days of termination on 29.11.2010 which is subject matter of this Writ Petition and the said appointment order says that her appointment is without any break in service. That means the University is legalizing the period of illegal appointment after stating before the Court that her services have been terminated and she was given another appointment order. Even after the Human Rights Commission Report, no action has been taken against the persons, who are responsible for giving OBC certificate. The Vice Chancellor, the Registrar and Deputy Registrar (Admn) are hand in glove with the third respondent and her father in manipulating the records for accommodating the third respondent.

(viii) The petitioner also sought for the post of Lecturer in 2010, 2011 and 2012 without prejudice to his rights. But he was not called for interview as he made complaints against the University officials and other Government officials. As the action of the first respondent in appointing the third respondent as Lecturer by an order dated 03.12.2010 is illegal, the



petitioner is constrained to file the present Writ Petition seeking to set aside the same.

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3. The averments in the counter filed by the first respondent:

(i) The first respondent University issued an advertisement on 02.07.2008 for the post of Lecturer in Centre for Pollution Control and Environmental Engineering for 3 vacancies, viz., 2 General and 1 OBC Category. Totally 20 candidates applied and out of them, 12 candidates were shortlisted and they appeared for interview before the Selection Committee and the third respondent and another namely S.Sudalai were selected for the post of Lecturer in OBC and General Category respectively. There was no selection made for the other General Category post. The petitioner was not selected for the post of Lecturer in OBC Category. The third respondent joined the post of Lecturer on 01.04.2009. Against the selection of the third respondent, the petitioner filed W.P.No.24200 of 2009 before the Madras High Court alleging that the third respondent does not fall under the OBC Category and she has obtained fake certificate and fetched the post of Lecturer. The issue of veracity of the OBC Certificate was taken up by the University with the District Revenue Authority who after following



procedures cancelled the OBC certificate on 25.06.2010 since the third respondent came under OBC creamy layer as her father is a Professor in the first respondent University. These developments were brought to the notice of the University in its 105th Executive Council meeting held on 07.08.2010, which resolved that the third respondent's appointment in the year 2009 under OBC Category was no longer valid and hence the OBC position be treated as vacated and re-advertised accordingly.

(ii) In furtherance to the re-advertisement for the post of Lecturer in General Category, the Screening Committee screened and sent interview letters to seven persons and four attended interview on 28.11.2010. Out of the 4 participants, the third respondent was selected for the post of Lecturer in General Category by the Selection Committee and the University Executive Council in its meeting held on 28.10.2010 accepted the recommendation of the selection of the third respondent and offer of appointment letter was sent to the third respondent on 03.12.2010. The third respondent joined duty on 03.12.2010 as Lecturer in General Category in the Centre for Pollution Control & Energy Technology of the University. Based on the changed circumstances and the cancellation of the third respondent's



earlier appointment order dated 30.03.2009, W.P.No.24200 of 2009 filed by the petitioner was dismissed as infructuous on 05.04.2011 by this Court. However, after a lapse of two years, the petitioner has again filed the present Writ Petition to quash the appointment order dated 03.12.2010 issued by the University in appointing the third respondent as Lecturer. As such, it attracts latches, the Writ Petition is not maintainable.

(iii) It is further submitted that the petitioner has no legal right on the selection. Mere participation in the interview will not give any right to the petitioner. The expected right of the participant in an interview is closed soon after the selection of eligible candidate. Moreover the earlier selection of the third respondent was cancelled due to the withdrawal of OBC certificate. After the re-advertisement and the selection of the third respondent as Lecturer, the petitioner cannot renew his prayer as he has not applied and not called for the interview held on 28.11.2010 and hence, this Writ Petition is liable for dismissal.

(iv) For the post of Lecturer, possessing Ph.D. is only an additional qualification and is not a mandatory qualification as wrongly presumed by



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the petitioner. Due to the merit and performance of the third respondent, she was selected to the post of Lecturer earlier and not as alleged by the petitioner. In respect of alleged denial of furnishing the copy of third respondent's appointment order dated 03.12.2010, the petitioner has to substantiate it by relevant materials. The petitioner is entitled to get information by means of RTI Act as obtained by another person as averred by the petitioner. The University had given 3 increments to the third respondent in the year 2009 considering her merit and performance and the petitioner, who has failed to get selection and appointment, has no legal right to question the sanctioning of 3 increments. The University selected the third respondent under OBC Category and subsequently cancelled the appointment after withdrawal of OBC certificate by the competent authority. The University has formally informed the third respondent to attend further interview as per the decision of the Executive Council on 07.08.2010 only on a humanitarian way.

(v) The averment that the petitioner was not called for subsequent interview was due to the fact that Screening Committee found the petitioner as ineligible since he was having less teaching experience and no relevant PG/Ph.D. qualification for the post. Additional increments were given to the



third respondent in the year 2010 which is within the domain of the Executive Council. The third respondent possessed Ph.D. degree qualification during November 2010 while she was again selected under General Category for the post of Lecturer. The allegation that the authorities are hand in glove with the third respondent is vehemently denied. As the University has rightly and promptly followed the Recruitment Rules, the appointment order dated 03.12.2010 of the third respondent is correct and legal. The contention related to the alleged harassment by Police, assault in Police custody, complaint to NHRC, report of NHRC are not directly related to this University.

(vi) The petitioner is not having any legal right and the same has not been infringed. The petitioner who has not participated in the interview dated 28.11.2010 has no right to file this Writ Petition. Without having any legal right, the petitioner cannot seek protection by invoking Writ Jurisdiction and sought to dismiss the Writ Petition.

4. The averments made in the counter field by the third respondent:

(i) This Writ Petition is not maintainable as the petitioner has no locus-standi to question her selection for the post of Lecturer (Since re-designated Assistant Professor) – Pollution Control and Energy Technology,



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in as much as he is not eligible for the said post and he was not even called for interview. He was merely one among several applicants and being an applicant never confers on anyone a right to question the selection/appointment. The advertisement for the post was announced on 01.04.2010. The petitioner does not have the requisite essential educational qualification, namely, engineering degree and possess only an M.Sc. in Botany. He is not eligible to be considered for the post and was not even short listed to be called for interview. As a matter of fact, the Selection Committee has found him ineligible. Therefore, the petitioner does not have any *locus-standi* to challenge the selection and the Writ Petition is liable to be dismissed *in limine*. The petitioner is totally not related to the discipline/subject, but he is unnecessarily throwing applications inside and trying to build litigations out of the same, with the full knowledge that he will never be appointed to the post. He is abusing both the recruitment process and also the process of law.

(ii) The third respondent, possess B.Tech Degree (first class with distinction) in Chemical Engineering discipline from the Pondicherry Engineering College. It is stated that on 01.04.2010 by an advertisement, the



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first respondent herein called for application for 1 post of Lecturer under General Category and 2 posts of Reader, pursuant to which, she submitted her application dated 30.04.2010. Thereafter, she was called to appear for an interview before the Selection Committee on 28.11.2010 and offer of appointment dated 03.12.2010 was issued and she joined the said post on 03.12.2010 and she has been working in the said post.

(iii) The petitioner also applied for the same post but was not called for interview which is uncontestable because the petitioner simply does not possess the essential qualifications prescribed for the post. The present Writ Petition has been filed belatedly after a period of 2 years on very many averments relating to her earlier selection and cancellation thereof and relating to her community certificate and cancellation thereof. The said instances have got nothing to do with her present selection and are totally irrelevant.

(iv) The third respondent belongs to Muslim (Labbai) Community, which is recognised as a backward community all through. She was originally granted OBC Certificate in the year 1997 for educational purpose only. In the norms in force at that time (Department of Personnel and Training OM No.36012/22/93-Estt (SCT) of 08.09.1993) creamy layer



status was not a consideration for educational purposes and no certification for non-creamy layer status was sought by her nor given by the authorities at the time of her admission to M.Tech, M.S.C.(Engineering) or Ph.D in any reserved seat. In April 2007, she started a consultancy firm after its due registration with the Government and was earning adequately for herself. In September 2007, she applied for renewal of OBC Certificate, this time for employment purpose. As such, there was a doubt as to whether the income of the parents have to be taken into account for the purpose of treating her as creamy layer. In the columns regarding income of parents in the application for grant of OBC certificate, made in September 2007, she had written 'Not Applicable' and have stated that she is not a dependent member of her family and that her income as an individual is less than the limit mentioned for creamy layer. Accordingly, she was granted the OBC Certificate by the Tahsildar, Oulgarpet, Puducherry on 20.09.2007.

(v) For the notification dated 02.07.2008, interviews were conducted on 14.03.2009 and a total of 12 candidates appeared for interview which included 6 OBC candidates besides the petitioner. The duly appointed Selection Committee recommended only 2 of the applicants for selection



i.e., S.Sudalai and the third respondent. No one else was found fit enough to be selected or wait listed. Thereupon, as there were 2 General and 1 OBC posts to be filled, logically the University ought to have filled the General Category posts (with the best 2 among the applicants irrespective of their caste) and then the reserved post. Had it been done, both S.Sudalai and she ought to have been selected against the post of Lecturer for General Category. But unfortunately for her, and perhaps in contravention of norms, the University chose to put her against the lone OBC post even as one General Post was available and left vacant.

(vi) The petitioner was erroneously permitted to attend interview in 2009 though he was totally ineligible. He is only M.Sc.(Botany) and that is why he is speaking only about his Ph.D (which is not essential to the post). Indeed when applications were called again in 2010 and 2012, the petitioner was summarily screened out as the University had by then realized its 2009 mistake and avoided its repeat.

(vii) The petitioner knew the third respondent and her father very well and as a matter of fact, her father was his guide when the petitioner



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submitted his thesis for his M.Phil. Degree. The petitioner wanted to continue Ph.D but her father did not select him for want of merit. Later, he applied for a Research Associate Position under her father but was not called for interview as he did not possess the stipulated qualifications. Rather than accepting his shortcomings with good grace, and seeking jobs that fitted his qualifications, the petitioner has chosen to launch a vendetta against her father and has used her as a soft target for the purpose. She submits that her educational qualifications are valid and averments are without any basis.

(viii) The report of the Human Rights Commission dated 31.07.2012 is totally without examining herself or the concerned Revenue Officials or Pondicherry University and as such can relate only in respect of the Police Officers. The petitioner cannot live under the delusion that by merely being an applicant to a post in 2009 had conferred upon him a permanent right to be selected for that post. The Human Rights Committee Report can have nothing to do with the University Service, a report which is violative of principle of natural justice and without jurisdiction cannot be basis for the present Writ Petition. She has joined duty in the year 2010 and has been performing her duties sincerely and arduously. She was given the Best



Teacher Award in 2012 and has recently been honored with Visiting Associate Professorship by Worcester Polytechnic Institute, Boston, USA, which is one of the oldest technological Universities in the US. She has authored books and over 60 scholarly papers since 2007. The present Writ Petition is borne out of sheer malice and is an abuse of the process of law and as such it is liable to be dismissed with exemplary costs.

5. Averments in the reply affidavit filed by the Writ Petitioner against the counter filed by the respondents 1 to 3:

It is the contention of the petitioner that the statement that he has no locus standi to question the selection/appointment of the third respondent for the post of Lecturer (re-designated as Assistant Professor) Pollution Control and Energy Technology as he was not eligible for the post and he was not called for interview, is without substance. The petitioner's qualifications are M.Sc.(Botany), M.Phil in Environmental Science and Engineering and Ph.D. in Ecology and Environmental Science. With the same qualifications, one Dr.Gajalakshmi is working as Associate Professor in Centre for Pollution Control and Environmental Engineering. As such the allegation is without any substance. Based on the complaints against the third respondent,



a committee was formed consisting of District Judge (Retd.) and eminent Scholars and the said Committee has submitted its report dated 09.06.2014.

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The report clearly indicate that the third respondent joined the first respondent University as a contract Lecturer without qualification, and joined the post of Lecturer on regular basis based on a false OBC certificate and that she was not having required qualification as her M.Sc. Degree, M.Tech. Degree and Doctorate Degree are under cloud. The said report is dated 09.06.2014. The counter affidavit filed by the first respondent was in July 2014 and in the counter there is no whisper about the report of the Committee. This will only demonstrate that the first respondent is siding with the third respondent and protecting her illegal appointment and only in such circumstances the existence of the report is suppressed in the Counter. The third respondent is squatting over the position all these years in an illegal manner. The claim with regard to her academic excellence and achievements are not admitted. When the very appointment is illegal on the score of lack of qualification and as there had been no application pursuant to the advertisement, permitting the third respondent to continue in office will only create confusion and chaos. The Committee consisting of District Judge (Retd.) and other eminent Academic Scholars found that all is not



well and the appointment of the third respondent is liable to be set aside.

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III. WP.No.18015 of 2017 filed by Dr.A.Sathianarayanan:

1. The averments made in the affidavit filed along with this Writ Petition are the same contentions made in the earlier Writ Petitions. The main issue in this Writ Petition is with regard to the appointment of the fourth respondent as Lecturer in the Centre for Pollution Control and Energy Technology in the first respondent University. As per the petitioner, basing on his complaint a Committee was formed consisting of Mr.B.Ramabadiran, District Judge (retired), Professor Krishna Deva Rao, Registrar, National Law University, New Delhi and Prof. Dr.S.Hariharan, Director, Academic Staff College, Pondicherry University, Pondicherry. The said Committee held detailed enquiry in the matter and submitted its report dated 09.06.2014. The submission of the report was not made known to anyone. Recently under RTI the petitioner had obtained the copy of the report. In the report there is a clear finding that the fourth respondent joined as a Contract Lecturer without qualification and then she joined as a Lecturer at the first instance under a false OBC Community Certificate and when she joined as a Lecturer in the General Category Quota, she is not having the required



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qualifications to hold the post as her M.Sc.Degree, M.Tech. Degree and Doctorate Degree are under cloud. The Committee held that when her appointment under OBC Category was canceled she should not have been permitted to continue even on temporary basis against the vacancy of the Lecturer in the Open Category. The Committee has recommended to take appropriate action based on the findings of the Committee. However, the first respondent University has kept the issue under cold storage and has not taken any steps to take action against the fourth respondent. As such the present Writ Petition is filed seeking direction to the first respondent to take action in terms of the report dated 09.06.2014 submitted by the 3 Member Committee.

2.(i) The respondent Nos.1, 2, 3 and 5 filed their counter affidavit. In the counter affidavit it is averred that the first respondent University issued advertisement on 02.07.2008 for the post of Lecturer in the Department of Centre for Pollution Control and Environmental Engineering for 3 vacancies, viz., 2 General and 1 OBC category. Totally 20 candidates applied and out of them 12 candidates were short listed and called for interview held on 14.03.2009. The fourth respondent and another candidate



viz., Mr.S.Sudalai were selected for the post of lecturer in OBC and General Category, respectively. The petitioner was not selected for the post of Lecturer under OBC Category. Therefore, the petitioner filed the Writ Petition No. 24200 of 2009 before this Court challenging the order appointing the fourth respondent and for a consequential direction to appoint him in the post of Lecturer.

(ii) It was alleged by the petitioner that the fourth respondent does not fall under the OBC category and she had obtained fake certificate and fetched the post of Lecturer. The issue of veracity of OBC certificate was taken up by the University with the District Revenue Authority. The District Revenue Authority vide order No.1822/DRDM/C2/2009, dated 25.06.2010 cancelled the OBC certificate of the fourth respondent. Considering all these developments, the University in its 105th Executive Council meeting held on 07.08.2010 resolved that OBC Category was no longer valid and the OBC Category be treated as vacated and readvertised accordingly. In furtherance to the same, again another advertisement dated 11.09.2009 notified for the post of Assistant Professor under General Category. Applications were received from 57 candidates and sent call letters to 7 persons and 4 persons



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attended interview on 28.11.2010. Out of the 4 participants, the fourth respondent was selected for the post of Assistant Professor in General Category by the Selection Committee and the Executive Council of the University in its meeting held on 28.11.2010 accepted the recommendation of the Selection Committee and issued offer of appointment letter to the fourth respondent on 03.12.2010. The fourth respondent joined duty on 03.12.2010. Based on the changed circumstances and cancellation of fourth respondent's earlier appointment order dated 30.03.2009, Writ Petition No.24200 of 2009 filed by the petitioner was dismissed as infructuous on 05.04.2011 by this Court. After a lapse of nearly 2 years, the petitioner again filed Writ Petition No.34151 of 2012 to quash the appointment order dated 03.12.2010 issued by the University in appointing the fourth respondent and the same is pending. During the pendency of the said Writ Petition, the present Writ Petition has been filed.

(iii) In the counter affidavit it is averred that the reason for not filling one vacancy under General Category pursuant to the advertisement dated 02.07.2008 was due to the fact that there was no qualified candidate under that category to be filled up. It is also averred that due to the merit and



performance of the fourth respondent, she was selected to the post of Lecturer and not as alleged by the petitioner.

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(iv) It is also submitted that once the University came to know that the OBC Certificate was cancelled, she was vacated from the said post of Lecturer and only then she was permitted to appear before the next Selection Committee. The allegation that the qualification and desirable qualification have been modified is not correct, as these were prescribed much before the cancellation of her appointment. It is also averred in the counter affidavit that the Vice Chancellor informed the Council that her performance as a Teacher during the last one year was very good as per the feedback received from the students.

3.(i) The fourth respondent has filed a counter affidavit. It is admitted in the counter that the petitioner herein had challenged her appointment in the year 2009 under OBC quota by way of WP.No.24200 of 2009. Since she had already relinquished the said appointment, by order dated 25.08.2010, the said Writ Petition was dismissed as infructuous. So far as her second appointment under General Quota on 03.12.2010, the petitioner has already



challenged the same by way of Writ Petition No.34151 of 2012 and the same is pending. Therefore, the present Writ Petition is not maintainable and liable to be dismissed *in limini*.

(ii) The fourth respondent specifically denies that the said 3 Member Committee submitted a report which is produced along with the typed set of papers and that the same is a false and concocted document. As a matter of fact, a copy of the said report supplied to the petitioner herein under the Right to Information Act and is finding a place currently in the file is an unsigned document. On informal verification with one of the three members of the Committee, it has been confirmed that he is not a signatory of the said report. As a matter of fact, the said report was never forthcoming under repeated requests of herself as well as others for a long time. The last minute tabling of this report was done by the then Vice Chancellor Dr.Chandra Krishnamurthy who has since been dismissed from service for having defrauded the Ministry of Human Resources and other authorities by claiming qualifications and other achievements which she was later found to not be in possession of. Her acts of plagiarism were also among the reasons for her dismissal. She was chiefly responsible for bringing the misdeeds of



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the dismissed Vice Chancellor to light and had been taking very active part in demanding action against him. It is quite possible that the fabricated report was placed by the dismissed Vice Chancellor in the Executive Council to scare her and respondents also prepare grounds for vindictive action against her. But the Hon'ble High Court had stayed the implementation of all decisions of that Executive Council meeting even before it was held. The stay has never been vacated and the decisions of that Executive Council have never been revealed. In any case any decision taken on that fake report would have been null and void. The said report is concocted, manipulated and is a blatant lie and only wreck vengeance against her. Therefore, the report not being genuine sans original, the prayer of the petitioner cannot be granted. Therefore, the Writ Petition is liable to be dismissed.

4.(i) The fifth respondent respondent has filed counter affidavit stating that the regulations for the Post Graduate program with effect from July 2002 reads as follows:

“Students may be permitted to discontinue the program and take up a job provided they have completed all the course work. The project work can be



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done during a later period, either in the organization where they work, if it has R & D facility necessary to carryout the project work and pre-examined by the Guide concerned, or in the college. Such students should complete the project within the permit maximum number of semesters from the date of admission to the programme. Students desirous of discontinuing their programme at any stage, with the intention of completing the project work at a later date should seek and obtain the permission of the Chairman, PGPC before doing so”

(ii) It is submitted that the fourth respondent Tmt.Tasneem Abbasi has requested permission and the same was also granted by the then Chairman to complete the project. It is further submitted that the Writ Petition is related to appointment of Tmt.Tasneem Abbasi, (4th respondent) at Pondicherry University which belongs to the 1st and 2nd respondent. Hence Pondicherry Engineering College (5th respondent) has no information available to provide in this regard.

5.(i) At the instance of this Court, the first respondent University filed an additional affidavit to clarify with regard to the action taken on the report



submitted by the 2 Committees constituted to look into the issue of appointment involved in the present Writ Petition. It is stated in the counter affidavit that based on the representation submitted by the petitioner, a 3 member committee was constituted by the Vice Chancellor with Shri.D.Ramabathiran, District Judge (Retd.) as the Chairman of the Committee and Prof. Krishnadeva Rao, Registrar, National Law University, New Delhi & Prof.Dr.S.Hariharan, Director, Academic Staff College, Pondicherry University as Members of the Committee on 09.06.2014. The Committee submitted its report on 09.06.2014. The Committee's report was about to be placed before 119th Executive Council meeting.

(ii) It is further submitted that Writ Petition bearing WP.No.30466 of 2014 was filed before this Court to declare that 119th E.C. Meeting held on 24.11.2014 as illegal, arbitrary, contrary to law and in violation of the statues of the Pondicherry University. The High Court of Madras was pleased to pass an order dated 21.11.2014, which reads as follows:

“In the meantime the Executive Council meeting scheduled to be held on 24.11.2014 may go on. However the resolution passed therein shall await further orders of this Court for implementation”



On 18.03.2015, the High Court of Madras passed the following

order:

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“The interim order granted by this Court on 21.11.2014 is modified to the extent of permitting the University to implement its decision with regards to students matters, Affiliated Colleges and Foreign collaborations and Establishment of Centres.”

(iii) It is submitted that no final order has been passed in W.P.No.30466 of 2014. It is further submitted that there is no record of the action taken report of 119th Executive Council meeting in the minutes of 120th Executive Council meeting. Since W.P.No.30466 of 2014 is pending and *sub judice* before this Court, no action was taken as per 119th Executive Council meeting.

(iv) It is further averred in the additional counter affidavit that the Central Vigilance Commission directed the Pondicherry University to appoint a Committee to look into the irregular appointments made by former Vice Chancellor Prof.J.A.K.Tareen during his tenure. Accordingly, a 3 member committee consisting of Pro. S.S.Bari, Professor & Former Registrar, Punjab University, Prof.S.Balakrishnan, Professor of Earth Science, Pondicherry University & Dr.P.Muralidassan, Deputy Registrar



(Estt.), Pondicherry University was constituted to investigate the CVC complaints. Among the various appointments, the Committee also examined the appointment of Tasneem Abbasi.

(v) The Central Vigilance Commission directed the Pondicherry University to submit its report to the Commission. Accordingly, the report was submitted to the Vigilance commission and the same was appraised before the 132nd Executive Council meeting. The 132nd Executive Council meeting held on 08.09.2018 noted the report of the Committee. Since the matter was pending with the Central Vigilance Commission, the University waited for direction from the Central Vigilance Commission. Finally it is submitted that the Central Vigilance Commission vide Office Memorandum bearing No.012/EDN/117/519547, dated 26.07.2022 and Office Memorandum bearing No.C-13011/4/2013, dated 08.08.2022 was pleased to pass an order to lay to rest at its end due to delay in submission of comments by MoE.

6. Heard learned counsel for the petitioner and the respondents and perused the materials available on record carefully.



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7. The learned counsel appearing on both sides submitted their arguments by reiterating the averments made in their affidavits and counter affidavits.

8. The petitioner and respondents as arrayed in WP.No.29377 of 2010 will be referred hereinafter.

9. Having heard the respective counsels and on a careful perusal of the records, following facts emerges for consideration:

a) The Pondicherry University is a Central University created by an Act of Parliament (No.53 of 1985).

b) The University issued an Advertisement on 02.07.2008 to fill up the posts of Lecturer in the Department of Centre for Pollution Control and Environmental Engineering for 3 vacancies, viz., 2 General and 1 OBC Category.

c) Out of the 20 candidates applied, 12 candidates were shortlisted and have appeared for interview before the Selection Committee on



14.03.2009.

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d) The fourth respondent in WP.No.18015 of 2017 i.e, Tasneem Abbasi and another candidate viz., S.Sudalai were selected for the post of Lecturer in OBC and General Category respectively.

e) There was no selection made for another General Category Post.

f) The third respondent was given an appointment order on 30.03.2009 and she joined on 01.04.2009.

g) Against her selection, Dr.Sathianarayanan, who is the petitioner in W.P.No.34151 of 2012 and W.P.No.18015 of 2017, filed W.P.No.24200 of 2009 before this Court.

h) There was an allegation that the third respondent does not fall under OBC Category and she has obtained false OBC certificate to fetch the post of Lecturer.

i) Then the University taken up the issue of veracity of OBC



Certificate with the District Revenue Authority.

j) The District Revenue Authority vide Proceedings dated 25.06.2010 cancelled the OBC Certificate issued to the third respondent.

k) The Collector-cum-District Magistrate Pondicherry vide Proceedings No.1822/DRDM/C.2/2009, dated 25.06.2010 passed the following order:

“Now, therefore, after perusing the statements, records and evidences produced before me, and considering the decision of the District Committee, I, G.Ragesh Chandra, District Magistrate do hereby order that the OBC certificate No.17974/TOO/F/2007,dated 20.09.2007 issued to Ms.Tasneem Abbasi stands cancelled and Ms.Tasneem Abbasi shall surrender the said OBC certificate to the undersigned within 7 days from the date of receipt of this order.”

l) In view of the cancellation of OBC Certificate of the third respondent, the University in its 105th Executive Council meeting held on 07.08.2010 resolved that the fourth respondent's appointment in the year



2019 under OBC Category was no longer valid and hence OBC position be treated as vacated and re-advertised accordingly.

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m) The resolution of the Executive Council held on 07.08.2010 vide item No.2010.105.137, is extracted hereunder:

“The Council resolved that since the OBC Certificate issued to Tasneem Abbasi was withdrawn by the competent authority, her appointment against the vacancy reserved for OBC is no longer valid and hence the OBC position be treated as vacated. However, the Council resolved that for the time being, Tasneem Abbasi may be temporarily held against the vacant position of Lecturer which is unreserved and she may be asked to appear before the next selection committee as and when held for the unreserved vacancy and take a chance.”

n) Meanwhile, the University issued fresh notification for appointment to the post of Lecturer under General Category for the Centre for Pollution Control and Environmental Engineering on 01.04.2010.



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o) The educational qualification and experience for the post of Lecturer in Centre for Pollution Control and Environmental Engineering prescribed as per the notification dated 02.07.2008 is extracted hereunder:

“Essential Qualifications:

First class Master's Degree in Environmental Engineering/Environmental Engineering & Mgt/Water & Environment Engineering/Public Health Engineering.

Desirable:

- i) Ph.D*
- ii) Bachelor's Degree in Civil / Chemical Engineering*
- iii) Experience of Research / Industrial consultancy as evidenced by publications in referred journals and/or completed industrial/consultancy assignments.*
- iv) Evidence of having qualified in GATE”*

p) The qualification prescribed for the same post as per the notification dated 01.04.2010, is extracted hereunder:

“Area of Specialization as essential:

Chemical Engineering/Environmental Engineering

Desirable:

- 1. Bachelor's Degree in Engineering/Technology*
- 2. Research/industrial experience in air/water pollution modelling or*



control/process safety”

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q) As the selection and appointment of third respondent was cancelled on 30th March 2009, Writ Petition No.24200 of 2009 was closed with a liberty to challenge the appointment order dated 03.12.2010.

r) third respondent was called to appear for interview before the Selection Committee on 28.11.2010, pursuant to the fresh advertisement dated 01.04.2010.

s) She was selected and appointed on 03.12.2010 as Assistant Professor and she joined on 03.12.2010.

t) In all these three Writ Petitions the appointment of third respondent as Lecturer in the Centre for Pollution Control & Energy Technology, Pondicherry University is the crux of the matter.

u) The three member Committee consisting of Shri.D.Ramabathiran, District Judge, (Retd.) as the Chairman of the Committee and Prof.Krishnadeva Rao, Registrar, National Law University, New Delhi & Prof.Dr.S.Hariharan, Director, Academic Staff College, Pondicherry University as Members of the Committee constituted to look into the issue



with regard to the appointment of third respondent as Lecturer under OBC and General Category at the Centre for Pollution Control & Energy Technology, Pondicherry University submitted its report on 09.06.2014.

v) The Three member Committee consisting of Professor S.S.Bari, Professor and Former Registrar, Punjab University, Prof.S.Balakrishnan, Professor of Earth Science, Pondicherry University & Dr.P.Muralidassan, Deputy Registrar (Estt.) Pondicherry University, which was constituted as per the direction of the Central Vigilance Commission to look into the complaints against the Former Vice Chancellor including the appointment of third respondent submitted its report to the Pondicherry University and 132nd Executive Council meeting held on 08.09.2018 noted the report of the Committee.

w) The said report was sent to the Central Vigilance commission and it was ordered to lay to rest at its end due to delay in submission of comments by MoE as per the order of the Central Vigilance commission dated 26.07.2022 and 08.08.2022.



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x) Writ Petition No.29377 of 2010 filed by S.Sundararaman and the Writ Petition No.34151 of 2012 filed by Dr.A.Sathianarayanan are against the selection and appointment of third respondent as Assistant Professor in the Centre for Pollution Control & Energy Technology.

y) Pursuant to the notification dated 01.04.2010 of the University, Writ Petition No.18015 of 2017 has been filed by Dr.A.Sathianarayanan for a direction to the University to take action against the third respondent in terms of the report dated 09.06.2014 submitted by the three member Committee.

10. This Court directed the first respondent University to produce the original records connected to the present issue. Accordingly, the records were produced before this Court on 02.02.2024. At the request of the counsels to verify the records, again the matter was adjourned to 08.02.2024. All the counsels looked into the records on 08.02.2024. This Court carefully perused the records submitted by the Standing Counsel for the University.

11. The relevant portion of the reports of the 3 Member Committee constituted by the Vice-Chancellor of the University as per the direction of



Central Vigilance Commission and 3 Member Committee constituted by the University are extracted hereunder:

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12. Report of the Committee constituted by the Vice-Chancellor to look into the CVC complaints against Prof.J.A.K.Tareen, former Vice-Chancellor, on the irregular appointments made during his tenure as Vice-Chancellor are as follows:

The meetings were held on 7th and 8th September 2018 at 10.00 A.M. in the chamber of the Vice-Chancellor, Pondicherry University, Puducherry.

The Committee was duly constituted by the Vice-Chancellor based on the observations of the MHRD and CVC to go in for an enquiry and it consisted of the following persons:

- i) Prof.S.S.Bari,
Professor, & Former Registrar,
Punjab University,
Chandigarh – 160 014.*
- ii) Prof.S.Balakrishnan,
Professor of Earth Sciences,
Pondicherry University
Puducherry.*
- iii) Dr.P.Muralidassan,
Deputy Registrar (Estt).
Pondicherry University
Puducherry.*



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Appointment of Ms.Tasneem Abbasi, Lecturer in the Center for Pollution Control and Engineering Technology

The Committee looked into the appointment of Dr.Tasneem Abbasi, Lecturer in the Center for Pollution Control and Engineering Technology.

On perusal of the application of the candidate it is evident that she has applied under OBC category and has also signed in the declaration to the effect that “ I hereby solemnly declare that the information in the application as above are correct and complete to the best of my knowledge and belief and that no material information has been concealed or suppressed and if there has been suppression of any factual information, my service can be terminated, if selected”.

And she has also submitted the OBC Certificate issued by the competent authority of the Government of Puducherry in support of her claim being an OBC candidate.

Subsequently after her selection and her joining the post, the University has written to the Collector-cum-District Magistrate, Puducherry to verify the genuineness of the OBC certificate submitted by the candidate-Ms.Tasneem Abbasi. The District Collector and District Magistrate after looking into the facts of the case has cancelled the OBC Certificate No.17974 dated 20.09.2007 issued to Ms.Tasneem Abbasi and was further asked to deposit the OBC Certificate in the office.



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The University, as per the conditions mentioned in the Advertisement which are mandatory, should have summarily terminated her services as Lecturer in the Centre for Pollution Control and Engineering Technology whereas the University did not take any action in this regard.

This matter was placed before the Executive Council held on 07.08.2010 vide item No.2010.105.137 for its decision and it was resolved that “for the time being she may be temporarily held against the vacant position of Lecturer which is Unreserved. She may be asked to appear before the next selection committee as and when held for the Unreserved Vacancy and take a chance.”

By this decision, the E.C has not taken appropriate action as per the rules and regulations which has further complicated this case by the inaction of the University authorities.

Thereafter, Ms.Tasneem Abbasi, was hired as a Contract faculty with the scale of pay and later considered for the post of Assistant Professor in the same department which was advertised under General Category. She was selected and her Pay protection was recommended by the Selection Committee which was approved by the E.C.



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The University, being fully aware of the fact that the candidate had submitted a false OBC certificate, her application was again entertained for the post of Assistant Professor which was advertised for the Centre under General Category. The Screening Committee had also shortlisted her application for the said post and she was selected and was offered the appointment to which she joined.

Finally, the Committee is of the view that the E.C. Resolution, as above, also appears to favour and reward a person who has submitted a false certificate. The Committee feels that the Chairman and the Executive Council did not take correct decision and instead taking a serious note of this, decided to reward the candidate by protecting her pay. This indeed is a serious lapse.”

13. Report of the Committee Constituted by the University to look into the issues with regard to the appointment of third respondent as Assistant Professor under OBC Certificate and General Category at the Centre for Pollution Control & Energy Technology, Pondicherry University are as follows:

“The Committee consists of

i) *Thiru.D.Ramabathiran (Chairman)*
District Judge (Retd.)

ii) *Thiru Prof. Krishnadeva Rao (Member)*
Registrar, National Law University



New Delhi.

iii) *Thiru Prof. Dr.S.Hariharan (Member)*
Director, Academic Staff College
Pondicherry University.

202.In view of the discussions and reasoning recorded in the foregoing paragraphs, we record the following conclusions:

Regarding appoint of Ms.Tasneem Abbasi under OBC Category:

1.Ms.Tasneem Abbasi has consciously filled up the relevant column showing her social statue as “OBC Category”.

2. Ms.Tasneem Abbasi has knowingly produced the certificate that she belongs to OBC non-creamy layer category, when she was very much coming under creamy layer of OBC category.

3. The University also considered her candidature as an “OBC” candidate based on the certificate produced her and the offer of appointment was given only under OBC category.

4. Ms.Tasneem Abbasi also accepted the offer with the terms and conditions stated therein and thereby confirmed that



she made her candidature only under OBC category.

5. Ms. Tasneem Abbassi has also declared and signed the verification/attestation form respectively confirming her status as a OBC candidate.

6. When the OBC certificate issued in favour of Ms. Tasneem Abbassi was cancelled by the competent authority of the Revenue Department of the Government of Puducherry, vide. Order in No.1827/DRDM/C.2/2009 dt. 25.06.2010, only to get away from the consequences of the legal issues that may ensue such order and to shield her misdeeds, she has made a claim that she never projected her candidature under OBC category, which is contrary to the facts available on records.

7. It is unfortunate that at the instance of the then Chairman of the Executive Council, a resolution was passed to shield and protect Ms. Tasneem Abbasi from the consequences of giving false certificate and claiming under such false certificate to get a post under OBC category.

8. The various directions issued by the Government of India regarding the action to be taken for producing false OBC certificate were not followed but flouted with utter disregard to such directions.



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Regarding appoint of Ms.Tasneem Abbasi under

General Category and incidental issues:

1. *When the Pondicherry University advertised to fill up one post of regular lecturer/Asst. Professor in the Department of Centre for Pollution Control and Environmental Engineering and Technology to select candidates from open market by inviting proper applications, the selection of Ms.Tasneem Abbasi under General Category by allowing her to participate in the interview before the selection committee when she has not even submitted her application paid the necessary fees, is highly irregular against the established principles of law.*

2. *When the appointment of Ms.Tasneem Abbasi under OBC category is vitiated, particularly when such certificate was cancelled and her appointment also was cancelled by the University, the action of the University in allowing her to continue in the post even on temporary basis, without taking action for producing a false certificate, is against the well-known principle of law and only manifest the vested interest.*

3. *The non-verification of the essential qualifications at the inception and allowing to continue is against the established procedure and such irregularity cannot be cured at a later stage, even if the requisite essential qualifications are*



fulfilled subsequently.

4. The acquiring of M.Tech and PhD degree by Ms.Tasneem Abbasi during concurring periods shall have to looked into as there are lot irregularities in such endeavors.

5. The acquiring MS Degree from UK is also surrounded with many irregularities and unless an equivalence certificate is produced dating the relevant time, the appointments/registering for higher programme shall be vitiated and this aspect shall have to be looked into.

6. The University has not examined as to how Ms.Tasneem Abbasi has pursued her studies in 3 different disciplines at the same period. When she did not get permission from the Competent Authority while she was in the service in the University to pursue higher education, any qualification acquired without obtaining such permission cannot be relied upon by her to claim protection of her services or to claim benefits to continue in service be allowed. Such omission amounts to indiscipline leading to disciplinary action.

7. There appears to be some interpolation of records in the alleges seeking permission and grant of permission to Ms.Tasneem Abbasi in the Pondicherry Engineering College, regarding the break of M.Tech Programme and the subsequent joining the college to complete the course, which may be enquired into.



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8. *The Regulations for post Graduate Programmes (CBCS) of the Pondicherry Engineering College does not contemplate the break of study by a student to pursue another course in another University and then to rejoin the college to complete the M.Tech Programme. In the case of Ms.Tasneem Abbasi the mandates in the said Regulations appear to have been flouted which shall have to be dealt with suitably.*

9. *When the acquiring of the PHD degree is under clouds, the award of special increments for such acquiring of PhD degree is not in order.*

10. *The resolution of the Executive Council as to the probation, pay protection and seniority in respect of Ms.Tasneem Abbasi is not in accordance with the relevant rules holding field.*

11. *When the initial appointment under OBC category was cancelled as per the resolution of the Executive Council, such benefits cannot accrue to Ms.Tasneem Abbasi when she was appointed subsequently under General Category.*

12. *No action was taken by the University against Ms.Tasneem Abbasi for having submitted a false certificate till date. Without taking actions as per the instructions of the*



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Government of India regarding producing false OBC Certificate to seek appointment, allowing Ms.Tasneem Abbasi to continue in the post and to retrospectively count such service is a clear violation of the Government of India's orders and instructions besides violating the relevant rules holding the field.

13. Even while working in the Pondicherry University on contract basis simultaneously Ms.Tasneem Abbasi has completed her M.Tech in Pondicherry Engineering College. No records are available to prove that she obtained written sanction for pursuing her studies simultaneously in the Pondicherry Engineering as a regular student in the third and fourth semester during 2007-2008 when she was in the payrolls in the Pondicherry University during the said period.

14. The essential qualifications as notified originally in which Ms.Tasneem Abbasi was selected under OBC category and the subsequent notification issued for selection of the same teaching position for OBC and general candidates are differing materially in area of specifications and essential qualifications etc., This leads to an impression that only to suite the convenience of Ms.Tasneem Abbasi, qualifications were tailor-made by the changing the earlier one prescribed. It may be noted that Ms.Tasneem Abbasi's father is the Head of the School/Centre who is recommending the essential



qualifications.

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15. When Ms.Tasneem Abbasi's appointment under OBC category was cancelled by the Executive Council, she could not have been allowed to continue even on temporary basis against the vacancy post in open category without initiating any action for suppression of material fact and for producing a false certificate.

16. The University may take appropriate action based on the above findings of the Committee.”

14. Though the Committees had submitted its reports on consideration of the entire issue comprehensively, it is very unfortunate to note that these reports are buried by the concerned.

15. The stand of the University is with regard to non placing the Report submitted by the Three member Committee on 09-06-2014 before the Executive Council of the University is that because of the interim orders granted on 21.11.2014 and 18.03.2015 in Writ Petition No.30466 of 2014 and subjudice before this Court, no action has been taken in the 119th Council meeting on the report submitted by the 3 Member Committee. But,



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in the additional affidavit filed by the Registrar of University, it is stated that the Committee submitted its report on 09.06.2014 and the Committee Report about to be placed before the 119th Executive Council meeting. As such, it is clear that the report dated 09.06.2014 of the three member committee was not placed in the 119th Executive Council meeting. Thereafter also till date the report was not placed before Executive Council.

16. There is no relevancy for the prayer sought for in the Writ Petition No.30466 of 2014 and the interim order passed by this Court therein with regard to Committee Report. The issue in the said Writ Petition with regard to the meeting 119th Executive Committee to be held on 24.11.2014. In fact as admitted by the University in its additional affidavit filed on 14.06.2024, the Committees report dated 09.06.2014 was about to be placed before the 119th Executive Council meeting. It is an admitted fact that the said report was not placed before the 119th Executive Council meeting and the interim orders dated 21.11.2014 and 18.03.2015 in W.P.No.30466 of 2014 are not prohibiting to place the Committee report before the next Executive Council meeting and thereafter also the University did not make any attempt to place the 3 member Committee Report dated 09.06.2014 before the Executive



Council to take further action. Thus, the action of the University administration in not placing the Three Member Committee Report Dt. 09-06-2014 before the Executive Council is illegal, unjust, unreasonable, unjustified and arbitrary.

17. This Court cannot brush aside the contention of the petitioners that only to disqualify the petitioners and to suit the interest of the third respondent, the essential qualifications as notified in the notification dated 02.07.2008 for the post of Lecturer in the Centre for Pollution Control and Environment Technology were modified in the subsequent notification dated 01.04.2010 for selection of the same teaching post. Admittedly, the essential qualifications prescribed in the notification dated 02.07.2008 are differing in the area of specialization as prescribed in the notification dated 01.04.2010 for the same teaching post.

18. It is also an admitted fact that the Head of the Centre for Pollution Control and Environment Technology will recommend the essential qualifications. At present, the Head of the Department of the said Centre is none other than the father of the third respondent herein, who is also



impleaded as fourth respondent in WP.No.29377 of 2010.

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19. As seen from the above, there is some force in the contention of the petitioners that only to deprive the petitioners and to give benefit to the third respondent, in the subsequent notification the qualifications as prescribed in the earlier notification are modified. No reasons were stated by the University authorities in their counter affidavits for changing the educational qualifications. As such the action of the University in changing the educational qualifications prescribed for the post of Lecturer in Centre for Pollution Control and Environment Technology has to be held as arbitrary.

20. It is an admitted fact that pursuant to the notification dated 02.07.2008, the third respondent was appointed in the post of lecturer earmarked for OBC category. Consequent to the cancellation of OBC certificate as per the order dated 25.06.2010 by the competent authority, Executive Council of the University resolved on 07.08.2010 that her appointment under OBC Category was no longer valid and the OBC category as vacated. Meanwhile, another notification was issued on



01.04.2010 to fill the vacancy of Assistant Professor in General Category.

The third respondent was permitted to participate in the interview on 28.11.2010 basing on the recommendation of the Selection Committee, and acceptance of the Executive Council, the third respondent was appointed on 03.12.2010. As seen from these facts, it is clear that the second notification was issued on 01.04.2010, which is much earlier to the decision of the University to cancel the appointment of the third respondent as Lecturer in the OBC Category.

21. It is very surprising to note that the third respondent, who was appointed in the post of Lecturer pursuant to the notification dated 02.07.2008 and working in the said post as on the date of the subsequent notification dated 01.04.2010 for the same post, which is notified under General Category, was permitted to participate in the selection process taken up as per the fresh notification dated 01.04.2010. The third respondent, who was holding the post of Lecturer even at the time of subsequent notification dated 01.04.2010 ought not to have been allowed to participate in the subsequent selection process for the same post. It also appears that the University authorities have prolonged the selection process from 01.04.2010



to till the month of November 2010 for the reasons best known to them. It gives impression that only to accommodate the third respondent in the selection process taken up pursuant to the notification dated 01.04.2010, if there would be any problem to her in the case of OBC certificate.

22. It is also alleged that the third respondent has not even submitted her application by paying necessary fee for the post of Assistant Professor pursuant to the notification dated 01.04.2010. But, in the counter affidavit filed by the respondents there is no proper reply on this aspect, except stating that the third respondent is having all eligibilities to participate in the selection process. It also leads to more suspicion.

23. Admittedly, the 3rd respondent has submitted OBC Certificate while submitting application for the post of Lecturer in Centre for Pollution Control and Environment Technology. Subsequently, the OBC certificate of 3rd respondent was cancelled by the Competent authority after conducting due enquiry. The order of cancellation of OBC certificate of the petitioner has become final. The said order was not challenged by the 3rd respondent. As such, it has to be construed that the 3rd respondent has submitted OBC



certificate obtained by her fraudulently to claim the lecturer post reserved for OBC category. She was selected for the post reserved for OBC category and University appointed her in the OBC vacancy. Infact, University ought to have terminated the 3rd respondent and appropriate action has to be initiated for producing false OBC certificate. Instead of that, the university continued her in the unreserved vacancy and invited her to participate in the subsequent election process held for one un-reserved vacancy and thereafter selected and appointed her by order Dt.03-12-2010.

24. It is to be noted that the 3rd respondent while submitting application under OBC category and has also signed in the declaration to the effect that “ I hereby solemnly declare that the information in the application as above are correct and complete to the best of my knowledge and belief and that no material information has been concealed or suppressed and if there has been suppression of any factual information, my service can be terminated, if selected”.

25. Actually, the 1st respondent University, should have terminated her services as Lecturer in the Centre for Pollution Control and Engineering Technology as per the conditions mentioned in the Advertisement which are



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mandatory. But, the University did not take any action in this regard. This issue was placed before the Executive Council meeting held on 07.08.2010 and it was resolved that “for the time being she may be temporarily held against the vacant position of Lecturer which is Unreserved. She may be asked to appear before the next selection committee as and when held for the Unreserved Vacancy and take a chance.” By passing such resolution, the Executive Council has shown undue favour towards the 3rd respondent without resolving for taking appropriate action as per the rules and regulations. Subsequently, the 3rd respondent was engaged as a Contract faculty with the scale of pay and then, considered for the post of Assistant Professor which was notified under un-reserved Category and She was selected and appointed on 03-12-2010 and her Pay protection was recommended by the Selection Committee which was approved by the E.C.

26. On examination of all these admitted facts, this court is of the considered view that the E.C. Resolution itself passed to favour and reward the 3rd respondent, who has submitted a false OBC certificate. As such, this court opine that the University administration did not take appropriate action and instead taking of a serious action, acted arbitrarily to reward the 3rd



respondent by protecting her pay.

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27. The University administration's undue favouritism towards 3rd respondent is established by the resolution dated 07.08.2010 passed by the Executive Council of the University. As and when the OBC certificate of 3rd respondent was cancelled by the competent authority, the University should have terminated her service as Lecturer and have initiated action for producing false OBC certificate. The University ought not to have asked her to appear for the next selection and ought not to have selected her for the post of Assistant Professor as per the advertisement, dated 01.04.2010. The University instead of taking serious action against her, rewarded by protecting her pay and seniority. This itself shows that how the University is in her favour and rewarded her. In view of this factual position, this Court has no hesitation to hold that the entire selection process and appointment of the 3rd respondent to the post of Assistant Professor in the Centre for Pollution Control & Energy Technology, Pondicherry University pursuant to the notification dated 01.04.2010 as illegal, arbitrary and malicious.

28. The opinion of this court is fortified by the reliances placed by the



learned counsel for the petitioner in W.P.No.29377 of 2010 to substantiate his contentions:

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i) The Apex Court in the ***Union of India vs. Datta Tray*** reported in (2008) 4

SCC 612, has observed as follows:

“5...When a person secures employment by making false claim regarding caste/tribe, he deprives a legitimate candidate belonging to the schedule caste/tribe, of employment. In such a situation, the proper course is to cancel the employment obtained on the basis of false certificate so that the post may be filled up by a candidate who is entitled to the benefit of reservation.”

ii) In ***Regional Manager, Central Bank vs. Madhulika Guru Prasad Dahir***

reported in AIR 2008 SC 3266, it is observed as under:

“13...It would suffice to state that except in a few decisions, where the admission/appointment was not cancelled because of peculiar factual matrix obtaining therein, the consensus of judicial opinion is that equity, sympathy or generosity has no place where the original appointment rests on a false certificate. A person who enters the service by producing a false caste certificate and obtains appointment for the post meant for a Scheduled Caste or Schedule Tribe or OBC, as the case may be, deprives a genuine candidate falling in either of



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the said categories, of appointment to that post, does not deserve any sympathy or indulgence of this Court. He who comes to the Court with a claim based on falsity and deception cannot plead equity nor the Court would be justified to exercise equity jurisdiction in his favour.”

iii) In **Ram Chandra Singh vs. Savitri Devi** reported in 2003 8 SCC 319, it is held as under:

“17. It is also well settled that misrepresentation itself amounts to fraud. Indeed, innocent misrepresentation may also give reason to claim relief against fraud.”

iv) In **Union of India and others vs. M.Baskaran** reported in 1995 Supp(4) SCC 100, the Apex Court has observed as under:

“6...No Court should be a party to the perpetuation of the fraudulent practice.... If any lenient view is taken on the facts of the present case in favour of the respondents, then it would amount to putting premium on dishonesty and sharp practice which on the facts of the present cases cannot be permitted.”

29. On comprehensive examination of the entire materials available on record, there is no doubt to this Court that all Institutions, who have to take serious action against the irregularities involved in the appointment of



the post of Lecturer in the Centre for Pollution Control & Energy Technology, Pondicherry, failed to discharge its duties and failed to fulfill its responsibilities in true letter and spirit. This Court has no hesitation to observe that the Central Vigilance Commission also failed to act promptly on the report of the 3 Member Committee constituted at its instance. This is a classic case of failure of the statutory Institutions, who are vested with the statutory functions.

30. In the light of the above discussion, this Court has no hesitation to come to a conclusion that “All is not well” in the Administration of Pondicherry University.

31. For the reasons stated above, in the considered opinion of this Court, the Writ petitioners succeeded in making a strong case warranting interference of this Court under Article 226 of the Constitution of India and accordingly, the Writ Petition No.29377 of 2010 and W.P.No.34151 of 2012 are allowed with the following orders:

- i) The Selection and appointment of the 3rd respondent, as Assistant Professor in the Centre for Pollution Control & Energy Technology in Pondicherry University pursuant to the notification, dated 01.04.2010



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W.P.Nos.29377 of 2010, 34151 of 2012 and 18015 of 2017

is hereby quashed.

- ii) The first respondent University is directed to issue notification afresh forthwith to fill up the vacancies for the post of Assistant Professor (earlier Lecturer) of all Categories including OBC category.

32. In view of the orders passed herein above in Writ Petition Nos.29377 of 2010 and 34151 of 2012, in the considered opinion of this Court, no further orders are required in WP.No.18015 of 2017. Accordingly, WP.No.18015 of 2017 is closed.

No costs.

Consequently, connected miscellaneous petitions are closed.

26.06.2024

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

pvs



To

1. The Registrar,
The Pondicherry University,
R Venkataraman Nagar,
Kalapet, Puducherry 605 014.
2. The Chairman,
The Executive Council,
Pondicherry University,
R Venkataraman Nagar,
Kalapet, Puducherry 605 014.
3. The Co-ordinator for the Centre for Pollution Control &
Environment Technology Department,
Pondicherry University,
Residing at Green House Middle Street,
Chinna Kalapet, Puducherry.
4. The Registrar,
R Venkataraman Nagar,
Kalapet, Puducherry 605 014.
5. The Chief Secretary,
Government of Puducherry,
Puducherry.
6. Vice Chancellor,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry 605 104.
7. The Registrar,
Anna University,
Guindy Campus,
Chennai 600 025.
8. The Principal
Pondicherry Engineering College,
Pillaichavady,
Puducherry 605 014.



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W.P.Nos.29377 of 2010, 34151 of 2012 and 18015 of 2017

BATTU DEVANAND.J.,
pvs

Pre-delivery order in

W.P.Nos.29377 of 2010, 34151 of 2012
and 18015 of 2017

26.06.2024