



W.P. Nos.30235 of 2015 & 17064 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.30235 of 2015 & 17064 of 2013

and

M.P.Nos.1 of 2013 & 1 of 2015

M.Zakirhussain

... Petitioner in both W.Ps

Vs.

Tamil Nadu Veterinary and Animal Sciences University

Rep. by its Registrar

Madhavaram Milk Colony

Madhavaram

Chennai 600 051

...Respondents in W.P.No.30235 of 2015

1.The Vice-Chancellor,
Madras Veterinary College Campus,
Vepery,
Chennai – 600 007.

2.The Selection Committee,
Madras Veterinary College Campus,
Vepery,
Chennai – 600 007.

...Respondents in W.P.No.17064 of 2013

PRAYER in W.P.No.30235 of 2015 : Writ Petition filed under Article 226
of the Constitution of India, praying for issuance of Writ of Declaration,

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declaring the advertisement No.3 of 2015 dated 28.08.2015 and the Notification as illegal, arbitrary, contrary to law in so far as the post of Assistant Librarian for non extending the 3% Reservation for the persons with disability as provided under Section 33 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and consequently direct the respondent to issue fresh advertisement/notification in respect of the post of Assistant Librarian by extending the benefit of 3% reservation to the persons with disability as provided under Section 33 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and thereafter proceed with the selection process.

PRAYER in W.P.No.17064 of 2013 : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to consider the application dated 12.04.2013 submitted by the petitioner for the post of Assistant Librarian in accordance with the rules contemplated under the Disabilities Act, 1995 (equal opportunities, permission of rights and full participation) Act, 1995.



W.P. Nos.30235 of 2015 & 17064 of 2013

In both W.Ps.

For Petitioner : M/s.Balan Haridas

For respondents : Mr.Gangadharan

COMMON ORDER

W.P.No.30235 of 2015 has been filed challenging the Advertisement No.3 of 2015 dated 28.08.2015 issued by the respondent University proposing to fill up the post of Assistant Librarian on the ground that the 3% reservation as mandated under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 has not been provided in the said advertisement.

2. From a perusal of the material on record, it appears that this Court, while entertaining the writ petition, granted interim stay insofar as three posts of Assistant Librarian are concerned, and the said posts are still kept vacant. In view of long lapse of more than a decade, the question of respondent University continuing the recruitment process pursuant to the impugned notification does not arise. Hence, practically the relief sought insofar as challenging the said advertisement has become infructuous.



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3. In view of the same, the impugned advertisement dated 28.08.2015 is hereby quashed to the extent it is challenged. In case, if the respondent University intends to fill up the three posts of Assistant Librarian, the respondent University is directed to issue a fresh advertisement to fill up the said posts of Assistant Librarian strictly in accordance with law and also following the provisions of Persons with Disabilities Act, 1995, if the same is applicable to the post in question.

4. Insofar as W.P.No.17064 of 2013 is concerned, in view of the orders passed in W.P.No.30235 of 2015 quashing the advertisement dated 28.08.2015, the question of considering the representation of the petitioner for appointment to the post of Assistant Librarian that was notified in Advertisement No.3 of 2015 dated 28.08.2015 does not arise. As such, the relief sought in W.P.No.17064 of 2013 has also become infructuous. In case, if the respondent University issue fresh notification, it is open for the petitioner to participate in the recruitment process pursuant to the said advertisement subject to his eligibility.



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5. Accordingly, both the writ petitions are disposed of. The connected miscellaneous petitions, if any, shall stand closed. No costs.

28.10.2024

Index : Yes/No
Speaking Order : Yes/No
dpa

To

1.The Registrar
Tamil Nadu Veterinary and Animal Sciences University
Madhavaram Milk Colony
Madhavaram
Chennai 600 051.

2.The Vice-Chancellor,
Madras Veterinary College Campus,
Vepery,
Chennai – 600 007.

3.The Selection Committee,
Madras Veterinary College Campus,
Vepery,
Chennai – 600 007.



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MUMMINENI SUDHEER KUMAR,J.

dpa

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