



W.P.No.6913 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.6913 of 2021

S.Senthilkumar
S/o Subbiramaniyan

... Petitioner

vs.

1. The Vice Chancellor,
Tamil Nadu Open University,
Saidapet,
Chennai – 15.
2. The Registrar,
Tamil Nadu Open University,
Saidapet,
Chennai – 15.
3. The Controller of Examination,
Tamil Nadu Open University,
Saidapet,
Chennai – 15.
4. The Director,
Tamil Nadu Open University,
Saidapet,
Chennai – 15.
5. The Head of Department
The School of Science in Botany,
Tamil Nadu Open University,
Saidapet,
Chennai – 15.

..Respondents.



Prayer in W.P. : Writ Petition filed under Article 226 of the Constitution to issue a Writ of Mandamus to direct the respondents 1 to 5 to admit the petitioner in the part time Ph.D. programme in Botany in the existing 3 seats Ph.D admission January 2021 in the Tamil Nadu Open University (TNOU) NO.577, Anna Salai, Saidapet, Chennai-15, based on the representation of the petitioner dated 5.2.2021.

For Petitioner : Mr.K.Murugesan

For Respondents : No appearance

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents 1 to 5 to admit the petitioner in the part time Ph.D. programme in Botany in the existing 3 seats Ph.D admission January 2021 in the Tamil Nadu Open University (TNOU) NO.577, Anna Salai, Saidapet, Chennai-15, based on the representation of the petitioner dated 5.2.2021.

2. The case of the petitioner is that he was appointed as B.T.Assistant in the year 2007 and he was promoted as P.G. Teacher in Biology and working at Government Higher Secondary School, Chengam, Tiruvannamalai and have 13 years experience in teaching. He completed M.Sc., B.Ed., M.Phil in Botany. Now, he would like to study Ph.D. in the



same subject and applied for part time Ph.D. in Botany programme in the respondents Tamil Nadu Open University (TNOU). As per TNOU Ph.D. Regulation 2019 clause 7.3.1, he was exempted from appearing in the entrance test, as he had already passed M.Phil course in March, 2018. Therefore, the respondents directly called the petitioner for interview and the petitioner also participated in the interview. There are 4 Ph.D. seats available in Botany but two persons only applied for the same. On 02.02.2021, the respondents issued provisionally selected list of names of candidates for Ph.D. admission and the petitioner's name was not in the provisional list though he effectively answered all the questions in the interview. The respondents did not publish the cut off mark and there is no transparency in the selection procedure. Hence, he sent representation dated 5.2.2021 requesting them to admit him in part time Ph.D in Botany and the same is still pending. Hence, the present writ petition.

3. This Court considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

4. It is seen that the petitioner completed M.Sc., B.Ed., M.Phil in Botany and wanted to study Ph.D. in Botany and applied for the same in



Tamil Nadu Open University. As per TNOU Regulation, he was exempted from appearing in the entrance test as he had already passed M.Phil course and was directly called for interview and the petitioner also participated in the interview. Only two persons applied when 4 Ph.D. seats are available in Botany. According to the petitioner though he effectively answered all the questions in the interview, his name does not find place in the provisionally selected list.

5. The Tamil Nadu Open University is an independent body and the petitioner cannot claim to be included in the provisionally selected list as a matter of right. The Select List would have been prepared on consideration of the merits on the basis of suitability of the concerned seat. Further, another aspect of the matter is that the case of the petitioner for inclusion in the Select List cannot now be considered as the writ petition is of the year 2021 and the admission for Ph.D. was called for in January 2021 and the provisional list was issued on 2.2.2021.

6. Further, when the writ petition came for admission in the year 2021 i.e., on 17.03.2021, this Court was not inclined to entertain the writ petition. However, taking into consideration, the time sought for by the



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learned counsel for the petitioner, the matter was adjourned and now, the matter has been listed in 2024. There is also no fresh grounds raised by the petitioner.

7. In view of the above discussion, this Court is not inclined to entertain the writ petition. Hence, the Writ Petition stands dismissed. No costs.

07.03.2024

Index :yes/No
Speaking /Non speaking order
vsi

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