



WEB COPY

W.P.No.474



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.474 of 2018

and

W.M.P.No.544 of 2018

Dr.K.Raja

... Petitioner

Vs.

1. The Principal Secretary to Government,
Department of Higher Education,
Fort St. George, Chennai – 600 009.
 2. The Director of Collegiate Education,
DPI Campus, College Road, Chennai – 600 006.
 3. The Regional Joint Director of Collegiate Education,
Chennai Region, Chennai – 600 015.
 4. The Secretary,
Ramakrishna Mission Vivekananda College (Autonomous),
Mylapore, Chennai – 600 004.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the interview conducted on 11.04.2017 to 13.04.2017 for the 5 posts of Assistant Professor in Physics pursuant to the Advertisement dated 29.01.2017, published by the 4th Respondent College in



“The Hindu” English Newspaper and Vernacular Daily “Dina Thanthi” dated 29.01.2017, as ultravires and violative of the UGC Regulations, 2016 (full title) and consequently, direct the 4th Respondent College to conduct the interview afresh for the five posts of Assistant Professor in Physics strictly in accordance with the UGC Regulations, 2016 by notifying the marks of the candidates called for the interview.

For Petitioner : M/s.C.Rajaguru
For R1 to R3 : Mr.R.Kumaravel,
Additional Government Pleader
For R4 : Mr.M.Purushothaman
and P.Venugopal
ORDER

This Writ Petition has been filed seeking declaration, declaring the interview conducted on 11.04.2017 to 13.04.2017 for the 5 posts of Assistant Professor in Physics pursuant to the Advertisement dated 29.01.2017, published by the 4th Respondent College as ultra vires and violative of the UGC Regulations, 2016 and also sought consequential direction to the 4th Respondent College to conduct the interview afresh for the five posts of Assistant Professor in Physics strictly in accordance with the UGC



Regulations, 2016.

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2. Further, from the perusal of the affidavit filed in support of the Writ Petition, especially Paragraph No.19, it is noticed that the petitioner is fully aware that pursuant to the impugned interviews, approximately 40 candidates have reported to duties and they were also issued appointment orders, though alleged to be secretly. However, none of the selected candidates in respect of the five posts of Assistant Professor in Physics were impleaded as respondents in the Writ Petition.

3. Further, in the counter-affidavit filed by the fourth respondent as well as in the additional typed-set, the particulars of the five candidates, who were selected to the post of Assistant Professor in Physics were also furnished including the copier orders under which their appointments were approved. From the additional typed-set filed by the learned counsel for the petitioner also, it is evident that the petitioner has come to know about the particulars of the persons, who were selected to the five posts of Assistant Professor in Physics as early as on 01.02.2018. But for the reasons best known, the



petitioner has not chosen to implead any of the selected candidates as party respondents in the present Writ Petition. In the absence of the selected candidates being made as party respondents in the Writ Petition, no relief can be granted to the petitioner, as sought for in the present Writ Petition.

4. In the light of the above, this Court is of the considered view that the Writ Petition cannot be entertained in the absence of making necessary parties as respondents in the Writ Petition. Accordingly, the Writ Petition stands dismissed for non-joinder of necessary parties. No costs. Connected Miscellaneous Petitions, if any, shall stand closed.

03.04.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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Department of Higher Education,
Fort St. George, Chennai – 600 009.
2. The Director of Collegiate Education,
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Chennai – 600 006.



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3. The Regional Joint Director of Collegiate Education,
Chennai Region, Chennai – 600 015.

4. The Secretary,
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MUMMINENI SUDHEER KUMAR, J.
skr

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