



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2024

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

**W.P. No.7141 of 2012
and
M.P. Nos.1 of 2012 and 2 of 2013**

Murugesan Elangovan

... Petitioner

-VS-

1. The Registrar,
Pondicherry University (A Central University),
Dr.B.R. Ambedkar Administrative Building,
R. Venkatraman Nagar,
Puducherry – 605 014.

2. Dr.M. Jeeva,
C-9, University Quarters,
Bharathiar University,
Coimbatore – 641 046.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of an appropriate Writ, to declare the action of the 1st respondent in selecting and appointing the 2nd respondent as Associate Professor in Tamil Department in Pondicherry University as illegal and consequently to direct the 1st respondent to appoint the petitioner as Associate Professor in Tamil Department in Pondicherry University with all consequential monetary benefits.

For Petitioner : Mr. S. Ramesh
For 1st Respondent : M/s. A.V. Bharathi
Respondent : M/s. A. Suresh Sakthi Murugan

For

2nd



ORDER

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The action of the first respondent in selecting and appointing the second respondent as Associate Professor in Tamil Department in Pondicherry University is under challenge and consequently direction is sought for to appoint the petitioner as Associate Professor in Tamil Department in Pondicherry University with all consequential monetary benefits.

2. The petitioner – Dr. Ilangovan S/o. S. Murugesan submits that he had completed his Ph.D., in Tamil in the year 1997. The first respondent issued notification as per U.G.C., guidelines on 09.05.2011 seeking applications for recruitment of various teaching faculties including the Department of Tamil inclusive of one post of Associate Professor. He submitted his application on 01.06.2011 and he attended the interview on 18.02.2012. He further submitted that the second respondent has obtained Ph.D., in the year 1991 in Performing Arts and published 6 books and 20 research articles, whereas the petitioner has stated that 17 books and 57 research articles have been published by him and the requirement for the said post is that one should have Ph.D., Degree in the concerned / Allied / relevant disciplines. The petitioner further submits that he possess Ph.D., in the concerned discipline and the second respondent has got Ph.D., in Performing Arts for which there



is a separate department in Pondicherry University. The second respondent was appointed as Associate Professor on 09.03.2012 and the selection of the second respondent having Ph.D., not in the concerned discipline is against the U.G.C., Regulations for appointment of teaching faculty in Universities. Hence this writ petition.

3. Ms.A.V.Bharathi, learned standing counsel appearing for the Pondicherry University would strenuously argue that out of total 39 applications, only 5 applicants were found eligible to be called for interview. She would further submit that during the interview following criteria were taken into consideration for selection (i) Consistent Academic Records (ii) Performance (iii) Publications (iv) Experience (v) Communication Skills (vi) Command over Subject etc. It was further contended that weighing the above said parameters, the Selection Committee unanimously selected Dr.M.Jeeva (2nd respondent) for the post of Associate Professor for Tamil. Offer of appointment letter was sent to the 2nd respondent on 09.03.2012. It is her further argument that by appearing for the interview alone, the petitioner has not acquired any legal right and he could not compel the University to appoint him as Associate Professor in Tamil Department.

4. Heard the arguments of Mr.S.Ramesh learned counsel for the



petitioner and Ms.A.V.Bharathi, learned counsel appearing for the 1st respondent and Mr.A.Suresh Sakthi Murugan, learned counsel appearing for the 2nd respondent.

5. The petitioner did his Ph.D., in "Twentieth Century Tamil Poetry: An Explanation, History and Evaluation of the Bharathidasan Poetical Tradition". One should have acquired Ph.D., Degree in the concerned allied or in relevant discipline. Whereas the 2nd respondent, M.Jeeva, has done her Ph.D., in Tamil Drama. The meaning of the word 'allied' as per Cambridge Dictionary is 'similar or related in some way'. Therefore, no doubt if a candidate has done Ph.D., degree in the concerned or similar or relevant disciplines may apply for the post. No doubt the 2nd respondent has done Ph.D., in Tamil Drama which has to be considered as allied discipline.

6. From the available records, it is pellucid that a Selection Committee consisting of 7 members had conducted viva-voce and marks have been awarded under 3 heads for 100 marks. The 2nd respondent has acquired the maximum marks among the 5 qualified candidates. The object behind the constitution of Selection Committee is to have fairness and to ensure objectivity and to select the most suitable person for the particular post.



7. Law is well settled that Courts cannot pre-determine the method of selection except proving of oblique motive. Whenever the action of the executive is challenged, then the issue has to be approached with utmost caution. The writ petitioner has not pleaded that the rules and regulations are violated or miscarriage of justice or oblique motive was alleged. The petitioner's only grievance is that the 2nd respondent has done her Ph.D., in Tamil Drama and he has done Ph.D., in Tamil Literature in "Twentieth Century Tamil Poetry: An Explanation, History and Evaluation of the Bharathidasan Poetical Tradition" and both the qualifications would duly as per the qualifications called for by the 1st respondent / University, his grievance does not hold water. As stated supra, in the absence of above said details his only grievance is qualification of the 2nd respondent.

8. Based on the aforestated discussions and observations, as he has failed to make out his case, this Writ Petition stands dismissed. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.10.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
Speaking Order / Non-Speaking Order
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To

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R. KALAIMATHI, J.

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