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W.P.No.40667 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.40667 of 2015

K.Rajiv Kumar

... Petitioner

Vs.

1. The Commissioner, The Directorate of Technical Education (DoTE),
Sardar Patel Road, Guindy, Chennai – 600 025.
2. Coimbatore Institute of Technology, Represented by its Principal,
Dr.V.Selladurai, Coimbatore – 641 014.
3. The Selection Committee, Represented by its Chairman,
Coimbatore Institute of Technology, Coimbatore.
4. The Principal Secretary, Higher Education (C1) Department,
Fort St.George, Chennai – 09.
5. J.Cyril Santhosh
6. S.Karthik Kumar
(R5 & R6 impleaded vide order dated 22.08.2016
made in W.M.P.No.22834 of 2016)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 2nd respondent contained in Letter No.464/Nir/AAPA/ 2015 dated 02.12.2015 and quash the same.

For Petitioner	: Mr.M.Hariharan
For R1 & R4	: Mr.C.Jayaprakash, Government Advocate
For R2 & R3	: Mr.G.K.Muthu Kumar & Mr.I.Arunkumar



For R5 & R6

: Mr.R.Jayaprakash

ORDER

This writ petition has been filed by the petitioner, who has been working as 'Lab Assistant' in the Respondent No.2/ Institute and participated in the direct recruitment for the post of 'Assistant Professor', pursuant to an advertisement issued by the Respondent No.2/ Institute, proposing to fill up two posts of 'Assistant Professor' in Mechanical Engineering, out of which one is earmarked for MBC candidates and another one for OC candidates. The petitioner is agitating for the post earmarked for OC candidates.

2. Though the petitioner admittedly submitted an application in response to the said advertisement, the petitioner was not called for the interview along with all the other candidates and therefore, the petitioner submitted a representation before the Respondent No.2 on 12.11.2015. It was in response to the said representation dated 12.11.2015, the Respondent No.2 issued the impugned proceedings bearing கடித.எண்.464/நிர்/ஆப/2015 dated 02.12.2015, stating that the case of the petitioner cannot be considered, as the petitioner has been working as 'Lab Assistant' and the candidates working as 'Lab Assistant' in the respondent/ Institute are not eligible for being appointed to the post of 'Assistant Professor' and also by placing reliance on the proceedings bearing எண்.26422/ஈ1/2009 dated 13.05.2010, whereby certain qualifications relating to the



experience was prescribed by the Respondent No.1. It is aggrieved by the said proceedings dated 02.12.2015, the petitioner filed the present writ petition.

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3. When the matter is taken up for consideration, it is brought to the notice of this court that, through proceedings bearing எண்.26422/சீ1/2009 dated 13.05.2010, the Respondent No.1 has prescribed the qualification of experience for being appointed to the post of 'Assistant Professor', subsequently the same was dispensed with by virtue of the orders passed by this court in W.P.No.26162 of 2010 dated 02.08.2012 and subsequent orders issued by the Apex Bodies and in terms of the revised qualifications, the advertisement was issued without prescribing any qualification of experience for being appointed to the post of 'Assistant Professor', while prescribing such qualification of possessing experience in respect of the post of 'Professor' and 'Assistant Professor'.

4. The other reason that was assigned in the impugned order stating that the 'Lab Assistants' cannot be considered for being appointed to the post of 'Assistant Professor' by way of direct recruitment is totally absurd. There is no prohibition against the internal candidates, who are working in the respondent/ Institute for being considered for direct recruitment, provided they possess all the requisite qualification for holding such post. Hence, the said reason assigned in the impugned order is liable to be declared as arbitrary and illegal.



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5. In the light of the above, both the reasons that are assigned in the impugned order dated 02.12.2015 are wholly unsustainable. Hence, the petitioner is entitled for consideration of his case on par with other eligible candidates for appointment to the post of 'Assistant Professor' under OC category.

6. Further, it is also necessary to notice that the post, which was advertised under the advertisement in question earmarked for open category i.e., 'Assistant Professor' in the Mechanical Engineering was directed to be reserved by virtue of an interim order passed by this court. Hence, the case of the petitioner is required to be considered as against the said vacancy.

7. In the light of the above, the impugned order bearing கடித.எண்.464/நிர்/ஆப/2015 dated 02.12.2015 is liable to be quashed and the same is accordingly quashed with a further direction to the Respondents 2 and 3 to consider the case of the petitioner for being appointed to the post of 'Assistant Professor, Mechanical Engineering' against the posts earmarked for open category under the Advertisement in question and conclude the selection process, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this order.



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8. After passing the above order, the learned counsel for the respondents 2 and 3 stated that the petitioner may be directed to submit all the relevant documents to enable the respondents 2 and 3 to consider the case of the petitioner in a proper perspective. The learned counsel for the petitioner also submitted that the petitioner is willing to furnish all the relevant documents. Hence, the petitioner is directed to furnish all the documents, on which he is relying upon to satisfy the qualification criteria, within a period of two weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition is allowed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

19.12.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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