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Writ Petition No.13448 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

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THE HONOURABLE MR JUSTICE BATTU DEVANAND

WP. 13448 of 2018

DR.R.GOPINATH, PH.D.,
NO.25, HIG TNHB QUARTERS, JOTHINAGAR,
ARAKKONAM, VELLORE DISTRICT-631003

PETITIONER(S)

Vs

1.ANNA UNIVERSITY
REP BY ITS REGISTRAR, SARDAR PATEL ROAD,
CHENNAI-600 025

2.MISS.KEERTHANA RANI
ASSISTANT PROFESSOR ENVIRONMENTAL
ENGINEERING ANNA UNIVERSITY, CHENNAI-
600 025

3. K.SOUNDARA NAYAKI
ASSISTANT PROFESSOR ENVIRONMENTAL ENGINEERING ANNA
UNIVERSITY, CHENNAI-600 025

4. MRS.P.SUPRIYA,
ASSISTANT PROFESSOR WATER RESOURCES ENGINEERING
ANNA UNIVERSITY, CHENNAI-600 025

5. MRS.RENUKA
ASSISTANT STRUCTURAL ENGINEERING ANNA
UNIVERSITY, CHENNAI-600 025

RESPONDENT(S)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, to declare the selection and



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appointment made by the first respondent for the post of Assistant Professor in Civil Engineering Department pursuant to Advertisement no.001/PR15/2014 dated 07.01.2014 as null and void, contrary to service regulation and direct the first respondent to appoint the petitioner as Assistant Professor in Civil Engineering Department in the regular vacancy.

For Petitioner(s):

Mr.K.Venkatraman, Sr.counsel

For Respondent(s):

Mr.. V.Meenakshi Sundaram, St.counsel for R1

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Declaration, to declare the selection and appointment made by the first respondent for the post of Assistant Professor in Civil Engineering Department pursuant to Advertisement no.001/PR15/2014 dated 07.01.2014 as null and void, contrary to service regulation and direct the first respondent to appoint the petitioner as Assistant Professor in Civil Engineering Department in the regular vacancy.

2.The case of the petitioner is that the first respondent has issued an advertisement dated 07.01.2014 for recruitment of Professor, Associate



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Professor and Assistant Professors in various Departments including Civil Engineering Department. As per the notification, 6 vacancies are there for the post of Assistant Professor. The petitioner passed written examination and he was called for oral interview subject to production of equivalency certificate of M.Tech in Ocean Engineering/Coastal Management. The petitioner applied for equivalency certificate from IIT, Madras but he could not get it immediately. It is learnt by the petitioner that he was placed at third place at the time of calling for interview. But he was not selected and the persons who were below to him, were selected and appointed as Assistant Professors by the first respondent. Aggrieved by the said selection process, the petitioner has constrained to approach this Court by filing the present Writ Petition.

3.The learned counsel for the petitioner would submit that the petitioner obtained equivalency certificate from IIT, Madras on 05.04.2018, wherein, it is stated that M.Tech in Ocean Engineering/Coastal Management is equivalent degree in Civil Engineering/Specialisation in Ocean Engineering. He submitted that the said certificate was submitted to the first respondent to consider his case as Assistant Professor pursuant to



the notification dated 07.01.2014. But the first respondent did not consider the same. The learned counsel further submits that there is no fault on the part of the petitioner in submitting the equivalency certificate belatedly since he could not get the equivalency certificate at the relevant point of time and considering the same, he sought to allow the Writ Petition.

4. On the other hand, learned Standing counsel appearing for the first respondent University would submit that by virtue of the selection as communal reservation for the Assistant Professor in the Civil Engineering Department, the respondents 2 to 5 were appointed in the year 2014 and they are working from the date of their appointment. He further submits that the petitioner has obtained Equivalency certificate from IIT, Madras only on 05.04.2018 vide reference no.DAC/2018. He would further submit that though the petitioner knows very well that the Equivalency certificate should be produced at the time of interview, which was held in the year 2014, which is a condition stipulated in the call letter itself, the petitioner could not produce the same at the time of certificate verification and interview. The petitioner produced the Equivalency certificate only in the year 2018. The learned counsel contends that there is no infirmity or



illegality in the selection process conducted by the first respondent for the post of Assistant Professor and no interference is required in the selection process and he sought to dismiss the Writ Petition.

5.It is an admitted fact that the petitioner obtained M.Tech Degree in Ocean Technology and Management at IIT, Madras. As per the notification issued by the first respondent, for the post of Assistant Professor, one of the requisite qualifications prescribed is M.E./M.Tech(Civil/Ocean Engineering /Coastal Management). The contention of the petitioner is that the M.E./M.Tech(Civil/Ocean Engineering/Coastal Management) possessed by the petitioner is equivalent to the M.Sc (Life Science/Marine Biology and Oceanography). Admittedly, the contention of the petitioner is confirmed by the IIT, Madras vide certificate dated 05.04.2018, wherein, it is stated that M.Tech in Ocean Technology and Management is equivalent to a Post Graduate Degree in Civil Engineering with Specialization in Ocean Engineering. It is also an admitted fact that while issuing a call letter dated 10.10.2014 to the petitioner by the first respondent to attend for interview and certificate verification, it is specifically made clear therein that the candidates should produce Equivalency certificate for M.Tech Ocean



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Technology Management=M.E./M.Tech in Ocean Engineering/Coastal

Management. Though the learned counsel for the petitioner raised an objection that the said condition is not a part and parcel of the call letter but thereafter, it is incorporated by hand writing.

6. Having heard the learned counsel on either side and on considering the facts and circumstances of the case and careful perusal of the material available on record, this Court is of the considered opinion that as on the date of notification or as on the date of interview, the petitioner failed to submit the Equivalency certificate as sought by the first respondent as mentioned in the call letter dated 10.10.2014. The entire selection process completed in the year 2014 itself and the respondents 2 to 5 were appointed and working as Assistant Professors in the first respondent University. The petitioner could not expect that the first respondent should stall the entire selection process till the petitioner submit the Equivalency certificate. If the petitioner's request is considered, serious prejudice will be caused to other eligible candidates, who are legitimately entitled for appointment to the post of Assistant Professor in the first respondent University. Accordingly, in our considered view, there is no infirmity or illegality in



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the selection process made by the first respondent for the post of Assistant Professor pursuant to the notification dated 07.01.2014. The petitioner has failed to make out any case warranting interference of this Court. Accordingly, this Writ Petition is liable to be dismissed.

7.In fine, this Writ Petition is dismissed.

No costs.

12.12.2024

Index : Yes/No
Speaking order: Yes/No
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To
1. ANNA UNIVERSITY
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CHENNAI-600 025



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BATTU DEVANAND, J

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