



W.P.No.12571 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.12571 of 2020 and
W.M.P.No.15501 of 2020

R.Lalitha

... Petitioner

Vs.

1. The Thiruvalluvar University,
Rep. by its Vice-Chancellor,
Serkkadu - 632 115,
Vellore District.

2. The Registrar,
Thiruvalluvar University,
Serkkadu - 632 115,
Vellore District.

3. K.Baskaran

4. P.Sasikala

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd Respondent in Proceedings No.TVU/R/2020/263, dated 28.01.2020 and his proceedings pertaining to the selection and appointment of the 3rd Respondent and the waitlisted of the 4th Respondent for appointment as PA to the Vice Chancellor and quash the same and to appoint the petitioner to the said post with retrospective effect and to grant her all consequential benefits within a limited time frame deem fit.



W.P.No.12571 of 2020

For Petitioner : Mr.M.Ravi
For Respondents
For R1 and R2 : Mr.M.C.Swamy for
Mr.Senthil Swamy Associates
For R3 : Mr.S.Nedunchezhiyan
For R4 : No appearance

ORDER

This petition is filed to quash the proceedings of the 2nd Respondent in TVU/R/2020/263, dated 28.01.2020 pertaining to the selection and appointment of the 3rd respondent and the wait list of the 4th respondent for the post of P.A. to the Vice Chancellor and to issue a direction to appoint the petitioner to the said post with retrospective effect and to grant all consequential benefits within a time limit fixed by this Court.

2. Heard Mr.M.Ravi, learned counsel for the petitioner, Mr.M.C.Swamy for Mr.Senthil Swamy Associates, learned counsel for the Respondents 1 and 2 and Mr.S.Nedunchezhiyan, learned counsel for the 3rd Respondent.

3. Mr.M.Ravi, learned counsel for the petitioner submitted that the petitioner even while filing this Writ Petition, had obtained permission



W.P.No.12571 of 2020

from the Thiruvalluvar University for filing the Writ Petition in respect of both the posts of P.A. to the Vice Chancellor and Superintendent. The petitioner was initially engaged as a Junior consultant on consolidated remuneration of Rs.7,000/- per month for a period of six months with effect from 14.12.2006 or till the regular appointment is made, whichever is earlier. In the 14th meeting held on 27.06.2006, a resolution has also been passed for appointing an acting P.A in the office of the Registrar / Vice Chancellor for a period of six months till the regular appointment is made.

4. Now the grievance of the petitioner is that despite the petitioner has a long experience, she was given with only 2 marks, but the 3rd respondent was given with 7 marks for the same. Among the short listed five candidates for the post of P.A to Vice Chancellor, the petitioner is one of the candidate and she has secured 44.1 marks in the written examination which is highest. Marks have been boosted up in favour of the third respondent for interview just in order to accomodate him in the said post.



W.P.No.12571 of 2020

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5. The learned counsel for the petitioner further submitted that the Transfer Certificate given by the 3rd respondent shows that the 3rd respondent had secured 78% in law in RKM Law college, Chittoor by undergoing regular LLB Course between the Period 20.09.2010 till 01.07.2013. During the same period he has got experience certificate showing that he has been working as a Superintendent in the College of Nursing in the Apollo Hospital Educational Trust, Chennai and he has completed 10 years in the said institution as office superintendent and that has been taken into consideration for his appointment.

6. Mr.M.C.Swamy, learned counsel for the Respondents 1 and 2 submitted that the Writ petition is liable to be dismissed on the ground of delay and laches. The petitioner has been temporarily appointed in the year 2006 and continued on temporary basis till 2017. It is further submitted that the petitioner at no point of time, had the post of Superannuation and have 5 years of experience in the said post. The post of Junior consultant was not a sanctioned post. Further the petitioner was



W.P.No.12571 of 2020

temporarily engaged as a Junior consultant and not a Personal Assistant either to the Vice Chancellor or to the Registrar. Therefore, she has no locus standi to question the selection process.

7. In support of his contention, the learned counsel for the respondents 1 and 2 relied on the two Judgments of the Supreme Court reported in *(2016) 1 SCC 454 in Madras Institute of Development Studies and Another vrs. K.Sivasubramanian and ors.* and *(2019) 15 SCC 653 in Union of India and ors. Vrs. C.Girija and ors.*

8. According to the petitioner, the very fact that the petitioner has been working in the Vice Chancellor office itself was not taken into account and she has given with only two marks for experience. The records would show that the 3rd respondent has also produced relevant document to support his previous experience. The records does not show what was transacted between the interview board and each of the candidate. The 3rd Respondent has got 40.6 marks in Written and skill test and he was awarded with 13 marks in the interview. Hence, the board cannot be



W.P.No.12571 of 2020

blamed for selecting the 3rd respondent, as he was found to be a better performer.

9. Though the petitioner cannot straight away make out a cause for appointment to the post of P.A. to the Vice Chancellor and she has claimed that she is the rightful candidate for the post. However, the petitioner cannot claim that she alone should be appointed to the said post. In the absence of any material to show that the 3rd respondent has got the appointment through improper means, his appointment cannot be canceled. Therefore, the petitioner cannot be granted with the relief sought for in this Writ Petition.

10. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
vum



W.P.No.12571 of 2020

To:

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Thiruvalluvar University,
Serkkadu - 632 115,
Vellore District.
2. The Registrar,
Thiruvalluvar University,
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W.P.No.12571 of 2020

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