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W.A.No.824 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.824 of 2017
and
C.M.P.Nos.2924 & 2923 of 2018, 17849 & 17850 of 2021 , 9464 of 2022
and 2129 of 2024

Dr.E.Muralidharan

... Appellant

Vs.

1. Union of India,
Represented by Secretary,
Higher Education,
Ministry of Human Resources Development (MHRD),
Government of India,
New Delhi - 110 001.

2. Bhaskar Ramamurthi

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 01.06.2017 passed in W.P.No.22489 of 2013.

For Appellant : Dr.E.Muralidharan [Party-in-Person]

For R1 : Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by
Mr.K.Venkataswamy Babu

For R2 : Mr.Karthik Rajan

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J U D G M E N T

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(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ of quo warranto has been instituted to show on what Authority the second respondent can hold the post of Director of Indian Institute of Technology, Madras.

2. Dr.E.Muralidharan, party-in-person articulated his case by enumerating the procedures to be adopted mandatorily under the provisions of the Act and the Rules. It is contended that no such established procedures had been followed while undertaking the process of selection to appoint the second respondent as the Director of Indian Institute of Technology, Madras. Dr.E.Muralidharan, could able to show us that the procedures followed resulted in discrimination and non-consideration of all eligible candidates, who all are aspiring to secure the post of Director in IIT, Madras. Equality clause enunciated under the Constitution had been violated. Unilateral decision of the Ministry has been adopted for the purpose of appointing the second respondent as Director of IIT, Madras. Thus, he is constrained to



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move the writ of quo warranto.

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3. Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing on behalf of the first respondent would submit that the term of office of the second respondent expired in the year 2021. The procedures as contemplated under the Act and Rules were followed during the process of selection. The merit assessment was made and accordingly, the second respondent was appointed and his term expired in the year 2021.

4. Since the second respondent had already been relieved from the post of Director, IIT Madras, the grounds raised by the appellant even if adjudicated, the relief of quo warranto cannot be granted. Dr.E.Muralidharan, would raise an apprehension that if such a procedure is followed in future, many other eligible candidates will be deprived of fair opportunity to compete for the post of Director of IIT, Madras.

5. In this context, Mr.AR.L.Sundaresan, learned Additional Solicitor General would submit that certain procedures underwent changes, so as to conduct the process of selection in a transparent manner. Merit assessments are made through open declarations enabling any person to



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verify the same. The procedures for selection underwent changes and presently, selection and appointments are made in a transparent manner by following the procedures as contemplated under the Act and Rules.

6. In view of the above submissions made between the appellant and the first respondent, we are not inclined to consider the other grounds raised by the appellant. However the legal issues raised by the petitioner are kept open for adjudication in an appropriate case.

7. Accordingly, the Writ Appeal stands **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [C.K., J.]
18.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1. Union of India,
Represented by Secretary,
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Government of India,
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S.M.SUBRAMANIAM, J.
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