



Writ Appeal No.2598 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON  
05.06.2024

PRONOUNCED ON  
25.06.2024

CORAM

**THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR  
AND  
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.2598 of 2022**

C.Sakthimurugan

... Appellant

Vs

1.The Secretary,  
Sri Vasavi College and Post,  
Erode – 638 316.

2.The Joint Director of Collegiate Education,  
Coimbatore Region, Coimbatore.

3.The Director of Collegiate Education,  
College Road, Nungambakkam,  
Chennai.

4.S.Thangamani

... Respondents

**PRAYER:-** Writ Appeal has been filed under Clause 15 of Letter Patent to set aside the order dated 26.09.2022 made in W.P.No.17217 of 2016 and pass such further order.

For Appellant : Mr.M.Guruprasad



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For Respondents : Mr.D.Ravichander  
Special Government Pleader

**JUDGMENT**

(Judgment of the Court was made by Mr.K.KUMARESH BABU.,J.)

This Intra-Court Appeal had been filed as against the order of the learned Single Judge rejecting the claim of the appellant, wherein a challenge has been made to the appointment of the fourth respondent as Assistant Professor, Tamil by the first respondent College.

2. Heard Mr.M.Guruprasad, learned counsel for the appellant and Mr.D.Ravichander, learned Special Government Pleader appearing for the second and third respondents.

3. The learned counsel for the appellant would submit that the appellant is a qualified person to be appointed as Assistant Professor. He having possessed a Post Graduate degree in Tamil apart from a M.Phil degree. He had also cleared the State Eligible Test for Lectureship in the concerned subject. He was also working as an Assistant Professor in Tamil in the first respondent College on *ad hoc* basis. While he was working so, an advertisement was issued by the first respondent by calling for



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applications from qualified candidates in which the appellant had also submitted his application. However, it is his case that the fourth respondent had been appointed as an Assistant Professor, even though, the fourth respondent did not possess the requisite qualifications. He would submit that the guidelines issued by the U.G.C. had not been followed by the first respondent College and for the reasons best known to them, the fourth respondent had been appointed which is tainted with bias coupled with extraneous considerations. He would submit that there has been malafide action in the appointment of the fourth respondent.

4. He would submit that the learned Single Judge without going into the issue of *malafide* or bias had held that there was no error or illegitimacy in the appointment of the fourth respondent by the first respondent. He would submit that the learned Single Judge had not considered the claim of bias or has even weighed the qualification of the fourth respondent vis-a-vis the appellant while, dismissing the Writ Petition. Hence, he would seek interference with the order passed by the learned Single Judge.



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5. Countering his arguments, Mr.D.Ravichander, learned Special

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Government Pleader appearing for the second and third respondents would submit that the second respondent herein had filed a counter in the Writ Petition wherein they submitted that the selection to the post had been made through a Selection Committee that had been approved by the respondent. After thorough verification of the various records of both the appellant and the fourth respondent, the Selection Committee had proposed to appoint the fourth respondent. He would further submit that both the appellant and the fourth respondent had possessed the requisite qualification for the said post and the fourth respondent was found to be more qualified than the appellant and thus, she had been selected by the College and such appointment had also been approved by these respondents. He would further submit that even though he had made allegations of bias, the fourth respondent not met the requisite qualification, the appellant had not pleaded the specific instances of bias or as to how the fourth respondent does not fulfill the qualifications. Therefore, he would submit that there is no error apparent in the order passed by the learned Single Judge for this Court to interfere with.



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6. We have considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record before this Court.

7. Even though, the appellant had made allegation of bias, he had not specifically pleaded the instances of bias before this Court to appreciate the same. Similarly the appellant had also not pointed out how the fourth respondent does not qualify herself to hold the said post. The learned Single Judge had specifically relied upon the counter affidavit filed by the second respondent wherein it had been averred that the fourth respondent is also possessing the requisite qualification and there has been no rebuttal of the same by the appellant. When that being so, we are not inclined to interfere with the orders passed by the learned Single Judge.

8. In fine, this Writ Appeal fails and is accordingly, is dismissed. However, there shall be no order as to costs.

**(D.K.K.,J.)**

**(K.B., J.)**

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Index: Yes/No

Speaking Order/Non Speaking Order

5/7



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Neutral Citation: Yes/No  
gba



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**D. KRISHNAKUMAR., J.**  
**and**  
**K.KUMARESH BABU.,J.**

gba

To

- 1.The Joint Director of Collegiate Education,  
Coimbatore Region, Coimbatore.
- 2.The Director of Collegiate Education,  
College Road, Nungambakkam,  
Chennai.

*A Pre-delivery Judgment made in*  
**Writ Appeal No.2598 of 2022**

**25.06.2024**