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W.P.No.34232 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34232 of 2023 and
WMP.No.34114 of 2023

Dr.B.Nivethitha

... Petitioner

Vs.

1.Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Represented by its Director,
Having Office at: Dhanvantari Nagar,
Puducherry 605 006

2.The Senior Administrative Office,
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Dhanvantari Nagar,
Puducherry 605 006

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records leading to the issuance of the Result Notification dated 02.12.2023 on the file of the first respondent and quash the same insofar as it concerns the post of Assistant Professor Dentistry (Orthodontics and Dentofacial Orthopedics) and consequently to direct the first respondent to issue selection and appointment order in favour of the petitioner herein.



W.P.No.34232 of 2023

For Petitioner : Mr.B.Arvind Srevatsa

For Respondents : Mr.T.M.Arunan

ORDER

This writ petition has been filed challenging the result notification dated 02.12.2023 issued by the first respondent insofar as the selection of the Assistant Professor, Dentistry(Orthodontics and Dentofacial Orthopedics).

2. The first respondent issued notification dated 19.07.2023 for recruitment of faculty posts on regular basis to the post of Professor and Assistant Professor in various departments at the first respondent Institute. The petitioner is qualified to apply for the post of Assistant Professor, Dentistry(Orthodontics and Dentofacial Orthopedics) and applied for the said post. The petitioner is qualified with MDS from Government Dental College, Kozhikode and she has been registered as Doctor under the Tamilnadu Dental Council. She also possesses requisite experience and she is continuing to work as Senior Resident at the first respondent Institute. After scrutinisation of his application, she was declared as an eligible candidate for the post of Assistant Professor and



W.P.No.34232 of 2023

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called upon to attend interview on 18.11.2023. However, on 17.11.2023, one, Dr.Monisha has been moved to provisionally eligible and notice has been uploaded whereby she has been provisionally selected for the post of Assistant Professor. The petitioner's name has been shown as waitlisted candidate. The specific case of the petitioner is that the said Monisha is not a qualified candidate since she did not possess the requisite qualification such as experience i.e. three years of teaching and/or research experience in a recognised institution in Orthodontics and Dentofacial Orthopedics after obtaining the qualifying degree of MDS in Orthodontics and Dentofacial Orthopedics or a recognised qualification equivalent thereto.

3. The learned counsel for the respondents submitted that though one, Dr.Monisha was selected to the post of Assistant Professor, Dentistry(Orthodontics and Dentofacial Orthopedics) and she was directed to produce requisite certificates, however she failed to produce any certificate and as such, even till today, she has not produced the same and she did not join in the said post. Therefore, the petitioner is being the first candidate in the waitlist and possesses requisite qualification, she is



W.P.No.34232 of 2023

eligible to be selected for the post of Assistant Professor,
Dentistry(Orthodontics and Dentofacial Orthopedics).

4. In view of the above, the above selection notification insofar as to the post of Assistant Professor, Dentistry(Orthodontics and Dentofacial Orthopedics) is hereby quashed and this writ petition is allowed. The first respondent is directed to select the petitioner and appoint her in the post of Assistant Professor, Dentistry(Orthodontics and Dentofacial Orthopedics) forthwith. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

28.03.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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W.P.No.34232 of 2023

To
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1. Director,
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Having Office at: Dhanvantari Nagar,
Puducherry 605 006
2. The Senior Administrative Office,
Jawaharlal Institute of Postgraduate Medical
Education and Research (JIPMER),
Dhanvantari Nagar,
Puducherry 605 006

G.K.ILANTHIRAIYAN, J.

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W.P.No.34232 of 2023

W.P.No.34232 of 2023

28.03.2024