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WP No. 1176 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

**W.P.No. 1176 of 2023
and W.M.P.No.1204 of 2023**

Dr.S.Uma

... Petitioner

Vs.

1. Rajiv Gandhi Institute of Veterinary Education,
and Research (River),
Rep by its Dean,
Kurumbapet,
Puducherry 605 009.
2. The Puducherry Veterinary College Society,
Rep by its Board of Governors,
Kurumbapet,
Puducherry 605 009.
3. The Under Secretary to Government of Puducherry,
Animal Husbandry Department,
Puducherry
(R3 impleaded vide order dated 13.04.2023 made
in W.M.P.No.11298 of 2023 in
W.P.No.1176 of 2023)

....Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for records of the 1st respondent, relating to the recruitment rule for the post of Assistant Professor, vide Proceedings No.A.12018/CS(AH)/2017- 18 dated 20.04.2017 published in supplement to the Gazette No. 18 of 2017 dated 02.05.2017 and the subsequent notification issued by the 1st respondent in No. A.11015/1/2022-2023/ E1/RIVER dated 20.04.2022 relating to filling up of 8 vacant posts of Assistant Professors in its Institute in so far as it prescribe an age limit as not exceeding 35 years for Direct Recruits, contrary to the UGC Regulations and in violation of the Resolution passed by the 2nd respondent in its meeting held on 10.01.2020 in AGENDA B-9 PVCS and quash the same and for a consequential direction to the 1st respondent to entertain the petitioners candidature for the post of Assistant Professor (Veterinary Pathology) [prayer amended vide order dated 13.04.2023 made in W.M.P.No.11302 of 2023 in W.P.No.1176 of 2023 by PDAJ]

For Petitioner : Mr.N.Balamuralikrishnan
For Respondents 1 to 3 : Ms.Usha,
Additional Government (Puducherry)

ORDER

The writ petition has been filed for the following relief:

“To issue a writ of certiorarified mandamus calling for records of the 1st respondent, relating to the recruitment rule for the post of Assistant Professor, vide Proceedings No.A.12018/CS(AH)/2017- 18 dated 20.04.2017 published in supplement to the Gazette No. 18 of 2017 dated 02.05.2017 and



the subsequent notification issued by the 1st respondent in No.

A.11015/1/2022-2023/ E1/RIVER dated 20.04.2022 relating to filling up of 8 vacant posts of Assistant Professors in its institute insofar as it prescribe an age limit as not exceeding 35 years for Direct Recruits, contrary to the UGC Regulations and in violation of the Resolution passed by the 2nd respondent in its meeting held on 10.01.2020 in AGENDA B-9 PVCS and quash the same and for a consequential direction to the 1st respondent to entertain the petitioner's candidature for the post of Assistant Professor (Veterinary Pathology).

2. The petitioner's case is that she had completed her Bachelor Degree in Veterinary Science and Animal Husbandry (B.V.Sc. & A.H.) in the year 2003 and her Post Graduate in Veterinary Science with specialization in Veterinary Pathology in the year 2007. Both her under graduation and post graduation degrees were obtained from Rajiv Gandhi College of Veterinary and Animal Science, Puducherry which is affiliated to Puducherry University. The 1st respondent institute is fully governed by the Education society managed by the Board of Governors, namely the 2nd respondent. She had also completed her Ph.D (Veterinary Pathology) in the year 2011 from Bangalore Veterinary College, Hebbal, Bangalore and in addition to these, she also possesses a Master's degree in Bio-informatics.



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3. The petitioner would submit that, besides being a registered Veterinary Practitioner since 2003, she also worked as a Research Associate from November 2007 to October 2008 and thereafter as a Senior Research Fellow from October 2011 to January 2013 in ICAR – NIVEDI. She was engaged as a Programme Assistant in NADRS Project at the Department of Animal Husbandry and Animal Welfare, Puducherry from January 2013 to 28.02.2015. She also worked as a young professional in the same department between 20.02.2016 and 10.01.2017. The above are the petitioner's academic credentials. The petitioner is presently employed as an Assistant Professor in the Department of Pathology since 13.01.2017 on a contractual basis. The petitioner is constrained to continue on a contractual basis, as no steps have taken to date by the respondents to fill up the posts since 1998. After the 1st recruitment, the respondents have not recruited any other persons.

4. While so, the 1st respondent had issued a notification dated 20.04.2022 calling for eligible candidates to fill up eight posts of Assistant Professor in different faculties, which included one post of Assistant Professor in Veterinary Pathology. The notification, however, prescribed an upper age limit of 35



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years for unreserved candidates. The petitioner would submit that the University Grants Commission does not prescribe any age restriction for appointment to the post of Assistant Professor. In fact, it is her contention that the Board of Governors had approved prescribing no upper age limit in the vacancy notification as per the UGC norms. However, the 1st respondent has fixed an upper age limit and being aggrieved by the same, the petitioner has come forward with the present writ petition.

5. A counter affidavit has been filed by the respondents in which it is contended that the contention of the petitioner that no upper age limit is prescribed by any of the States is absolutely incorrect, inasmuch as the notification dated 20.01.2023 published by the Karnataka Veterinary Animal and Fisheries Sciences University and the notification dated 12.06.2014 published by the Kerala Veterinary and Animal Sciences University prescribe an upper age limit for the post of Assistant Professor in Veterinary Science Universities. They would admit that the Board of Governors has approved fixing no upper age limit. However, they would contend that the Government of Puducherry is the competent authority to amend the recruitment Rules for filling up the vacancy to the post of Assistant Professor and therefore, no objection can be taken to the fixation of an upper age limit for recruitment to



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the post of Assistant Professor. The respondents would further submit that relaxation of age is a policy decision and does not constitute a vested right.

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6. It is brought to the notice of this Court that the petitioner had participated in the recruitment process and her application was kept under sealed cover and the respondents were directed to produce the same. This was done taking into consideration the academic credentials and experience of the petitioner, as narrated in the affidavit filed in support of the writ petition, which have not been denied by the respondents in their counter affidavit. That apart, the Board of Governors had taken a conscious decision to abide by the UGC Rules and not to fix any upper age limit.

7. Today, the sealed cover was produced before this Court and the same was opened in the presence of the counsel for the petitioner and the respondents. On opening of the sealed cover, it is revealed that petitioner has secured the highest marks, nearly 74.48, and that she not only scored in the highest in the written examination but also in the interview. The selection committee had unanimously decided to recommend her name for appointment to the post of Assistant Professor in the subject of Veterinary Pathology on a direct recruitment basis under the UR quota.



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8. No doubt, the petitioner is over-aged when taking note of the notification. However, taking into consideration the UGC regulations, the resolution of the Board of Governors dated 10.01.2020 and also the recommendation of the Selection Committee, the petitioner shall be considered for appointment as a special case by relaxing the age requirement as per the UGC Regulations.

9. In view of the above, the writ petition is disposed of with a direction to the respondents to consider and appoint the petitioner as Assistant Professor in the subject of Veterinary Pathology, taking note of the highest marks that she has secured in the examinations and also the fact that she has been employed in the very same post on a contractual basis since 2017 onwards. It is made clear that this order shall not operate as a precedent for others and has been passed exclusively with reference to the petitioner. This order shall be given effect on or before 19.01.2026. No costs. Consequently connected miscellaneous petition is closed.



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10. Post the matter on 19.01.2026 under the caption “for reporting compliance”.

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Index : Yes/No
Speaking Order : Yes / No
srn

To

1. The Dean
Rajiv Gandhi Institute of Veterinary Education,
and Research (River),
Kurumbapet,
Puducherry 605 009.
2. The Board of Governors,
Puducherry Veterinary College Society,
Kurumbapet,
Puducherry 605 009.
3. The Under Secretary to Government of Puducherry,
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P.T. ASHA, J,

srn

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