



W.P.No.11955 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.11955 of 2018 and
W.M.P.Nos.13941 & 13942 of 2018

K.V.Prem Kumar

... Petitioner

Vs.

1.The Central University of Tamil Nadu,
Rep by its Registrar,
Neelakudi Campus,
Kangalancherry, Thiruvarur - 610 101.

2.The Selection Committee,
Rep by its Chairman,
The Central University of Tamil Nadu,
Neelakudi Campus,
Kangalancherry, Thiruvarur 610 101.

3.Dr.R.Suchitra,
Assistant Professor,
House No.40, Kannusamy Street,
Ariyalur, Tamil Nadu 621 704.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent University vide F.No.CUTN-2(2)/2010-ADMN-1'VOL-III culminating in its order dated



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27.11.2017 appointing the third respondent as Assistant Professor of Microbiology in the first respondent University and quash the same and direct the first respondent to appoint the petitioner as Assistant Professor of Microbiology in the first respondent University.

For Petitioner : Mr.R.Annamalai
For Respondents : Mrs.R.Dakshayini Reddy, Senior Counsel for
Ms.Suneetha for R1
Mr.V.Rajasekar for R2
Mr.A.Ansar for R3

ORDER

This Writ Petition has been filed to call for the records relating to the proceedings of the first respondent University vide F.No.CUTN-2(2)/2010-ADMN-1'VOL-III culminating in its order dated 27.11.2017 appointing the third respondent as Assistant Professor of Microbiology in the first respondent University and quash the same and direct the first respondent to appoint the petitioner as Assistant Professor of Microbiology in the first respondent University.

2. Heard Mr.R.Annamalai, learned counsel for the petitioner, Mrs.R.Dakshayini Reddy, learned Senior Counsel for R1, Mr.V.Rajasekar, learned counsel for R2 and Mr.A.Ansar, learned counsel for R3 and perused the materials available on record.



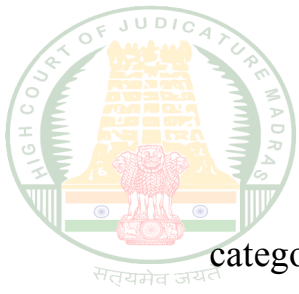
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3. The petitioner who had applied to the post of Assistant Professor in Microbiology Department in response to the notification vide employment notice No.CUTN/T/04/2016 dated 12.12.2016 has filed this Writ Petition stating that the respondent University did not follow the rules of reservation. Out of four posts called for in the notification for the post of Assistant Professor (Microbiology), one post is reserved for SC category. The petitioner had applied under SC category and he has been shortlisted in the first round of selection by obtaining 70 marks. The third respondent who was also shortlisted under the same category has got 52 marks.

4. The only grievance of the petitioner is that while all the shortlisted candidates falling under SC category have been called for interview scheduled on 14.10.2017. But the petitioner and another candidate belonged to the same category were given call letter to attend the interview on the next day i.e. 15.10.2017.

5. The learned counsel for the petitioner submitted that the Selection Committee has finalised the candidates falling under SC

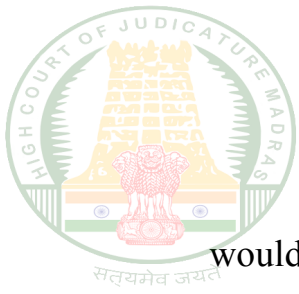


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category immediately after concluding the interview conducted on 14.10.2017 by selecting the third respondent against one post reserved for SC category. It is submitted that the petitioner ought to have been called to attend the interview on 14.10.2017 itself, but he needed to join with OBC category for whom the interview had been conducted on 15.10.2017.

6. The records called from the second respondent University would show that the petitioner had been shown under SC category only, even though he has been called upon to attend the interview along with OBC candidates on 15.10.2017. At the end of the interview, the petitioner had obtained 43.25 marks which is inclusive of his marks obtained through the first round of selection process. The third respondent has secured 53.75 marks out of 100 marks.

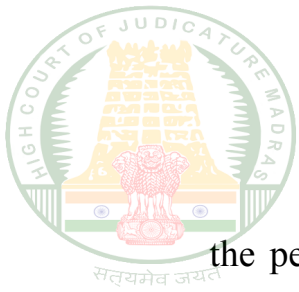
7. As pointed out by the learned counsel for the petitioner, the proceedings of the Selection Committee for the post of Assistant Professor (Microbiology) has been issued on 14.10.2017 itself. This



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would only show that the Selection Committee was under the presumption that they have completed the interview by calling all the candidates belonging to SC category on 14.10.2017 itself. But in reality, the petitioner and another person who fell under the same category were called upon to attend the interview on 15.10.2017. When the petitioner had attended the interview on 15.10.2017 and the another person belonging to the same category was absent.

8. Though it is right for the petitioner to claim that the Selection Committee ought not to have concluded their selection of candidates belonging to SC category on 14.10.2017 itself, the fact remains that the select list was not released on 14.10.2017. The petitioner who participated in the interview on the next day, has got the marks lower than the third respondent. Though there is some irregularity in calling the candidates belonging to the same category in one and the same day for interview, the fact remains that the petitioner did not score more marks than the selectee *viz.*, the third respondent under the category of SC candidates. If the petitioner has got higher marks than the selectee, then



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the petitioner would have got a point that he got prejudiced due to the irregular manner in which the interview was conducted and the Selection Committee has completed the selection process on 14.10.2017 itself.

9. It is not the contention of the petitioner that he has got higher marks than what is assigned to him and there was some malpractice in awarding marks lower than that of the third respondent. It is the petitioner's imagination that he could have been more fortunate had he been called for the interview on 14.10.2017 along with the SC candidates instead of 15.10.2017 along with OBC candidates. If the irregularity affects the petitioner's scope for selection, it would have been appropriate to quash the whole selection process and cancel the third respondent's appointment against SC category. Things would have got worsen, had the selection list had been published on 14.10.2017 itself. It is neither the contention of the petitioner that the selection list has been published on 14.10.2017 itself even before the interview for all the candidates falling under SC was completed.



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10. The learned counsel for the petitioner attracted the attention of this Court to the judgment of the Writ Petition in ***W.P.Nos.23073 of 2012 etc. batch dated 04.01.2013 (Ranjithkumar Vs. The Secretary, Tamil Nadu Public Service Commission, Chennai 600 003)***, wherein it is held as under in paragraph No.29:

"29. But, it is the contention of the learned Advocate General that as per clause 22(b) of the Instructions to the Candidates etc., the number of candidates admitted to the oral test shall be two times the number of vacancies for which the recruitment has to be made against those reservation groups based on the marks obtained by the candidates in the written examination. It is only by following the said instructions, shortlisting of the candidates based on the marks secured in the written examination has been made and that as against each vacancy under a particular reservation group two candidates have been called for oral test as against each vacancy. Similarly, as against each general category, two candidates have been called for oral test as against each vacancy. Though there appears to be some force in the said argument, I find it very difficult to accept the same. The Notification and the Instructions



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should be understood in the context of the judgments of the Hon'ble Supreme Court cited supra. Since as per clause (8) of the Notification, which states that final selection will be made only on the basis of marks secured in the written examination and the oral test, the respondent Commission ought to have ranked the candidates based on their marks in the written examination and to have called the candidates based on rank for the purpose of oral test. After holding the oral test, the respondent commission ought to have selected the candidates, based on merits, i.e., based on the total marks secured in the written examination and the oral test, provided the candidate has secured minimum qualifying marks as prescribed in clause 6(A) of the Notification i.e., 306 marks for Scs, SC(A), STs, MBCs/DCs, Bcs (other than BCMs) and SCMs and 408 marks for others. In the said process, in case sufficient number of candidates as against the reservation groups, both vertical as well as horizontal, have been selected, then, the process will come to an end. For any reason, if sufficient number of candidates have not been selected in any reservation group, then, the remaining candidates available [belonging to the same reservation category] alone shall be called for oral test in the ratio of 1:2 and



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then the said reservation category's remaining vacancies shall be filled up. To make it more understandable, let us have the following illustration:-

"Let us assume, out of 80 vacancies, 22 vacancies are earmarked for SC including SC(W), SC(A) and SC (A)(W). The candidates having Rank Nos.1 to 160 based on the written examination marks are called for oral test. Based on the marks secured in the written examination and oral test, let us assume that some candidates get selected under open category and there are only 12 candidates found eligible for appointment as against 22 vacancies earmarked for SC. Now, the remaining 10 more vacancies for SC are to be filled up. The next stage is that 20 candidates belonging to SC should be called for oral test by issuing a supplement list i.e., in the ratio 1:2. After the first stage is over, the candidates belonging to SC falling from rank Nos.161 to downwards should be segregated. Now, out of the segregated SC candidates 20 candidates should be short listed on the basis of written examination marks and they should be called



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for oral test. Out of 20 candidates, based on the marks in the written examination and the oral test together, 10 should be selected. Now, the total tally of selected candidates of SC works out to 22. For any reason, if out of the 20 candidates called for second phase of oral test, only 8 are qualified and there remains two more vacancies, then, the next 4 candidates in the SC category based on their marks shall be called and out of them 2 should be selected."

11. In the said judgment, it is further held in paragraph No.30 that the above procedure is the correct procedure and it should be followed for each reservation category and that the rule of reservation shall be applied only at the time of final selection and not at every stage of the selection process.

12. In the instant case, the same process has been followed, but by inadvertence, two candidates falling under SC category were not called to attend the interview on 14.10.2017. As I observed already, the



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petitioner was not prejudiced as he got lower marks than that of the third respondent. Hence, no prejudice has been caused to him. In the minds of the Selection Committee, they thought that they have completed the interview in respect of the SC category. No doubt there is some irregularity, but there is no illegality as pointed out by the petitioner.

13. The total post reserved for SC category was only one. The third respondent who has been selected to the said post has got higher marks among the shortlisted candidates for SC category. Hence, there is no procedural violation that would vitiate the entire selection. But there is only an irregularity and the petitioner did not establish that he has been prejudiced due to the above irregularity. In view of the above stated reasons, I find no grounds to grant the relief as prayed in this Writ Petition.

14. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes /No
Speaking / Non-speaking

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Neutral Citation : Yes / No

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R.N.MANJULA,J.

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To

1.The Registrar,
The Central University of Tamil Nadu,
Neelakudi Campus,
Kangalancherry, Thiruvvarur - 610 101.

2.The Chairman,
The Selection Committee,
The Central University of Tamil Nadu,
Neelakudi Campus,
Kangalancherry, Thiruvvarur 610 101.

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