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W.P.No.19045 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR
W.P.No.19045 of 2019

1.Dr.A.Balu

2.Tamil Nadu Association of Intellectuals
and Faculty (TAIF)

Represented its President

Dr.A.Balu

No.4, 8th Street,

Bakthavachalam Nagar,

Nanganallur, Chennai – 600 061.

.. Petitioners

vs

1.The Principal Secretary to Government,
Higher Education Department Secretariat,
Chennai – 600 009.

2.The Director,
Directorate of Collegiate Educations,
Government of Tamil Nadu,
College Road, Chennai 600 006.

3.The Secretary,
SIR Theagaraya College Committee,
No.345/1047, T.H.Road,
Old Washermenpet
Chennai – 600 021.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus to call for the records in



Advertisement No.1/2017 dated 12.11.2017 issued by the 3rd respondent for direct recruitment for the post of 12 Assistant Professors in Sir Theagaraya College, Chennai and quash the same and consequently call for fresh recruitment in a fair and transparent manner within a time frame fixed by this Court.

For Petitioners : Mr.Jerry V.V.Sundar

For Respondents : Mr.C.Gauthamaraj for R1 and R2
Government Advocate
Mr.B.Ravi for R3

ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate for the 1st and 2nd respondents and the learned counsel for the 3rd respondent and perused the materials available on record.

2.The petitioners by the present writ petition assailed the action of the respondents in issuing notification to fill-up the post of 12 Assistant Professors in the 3rd respondent college, pursuant to the Advertisement No.1/2017 dated 12.11.2017 and to quash the same with a consequential direction to call for fresh recruitment in a fair and transparent manner within a time frame fixed by this Court.



3.The petitioners contended that as per the notification dated 12.11.2017 issued by the 3rd respondent, applications were called for, to fill up the post of 12 Assistant Professors in the college of 3rd respondent, which is an aided college; that the respondents have provided for scheme of selection which *inter alia* provides higher marks for experience than the Educational Qualification; that by adopting the aforesaid scheme of selection, the 3rd respondent had sought to select the candidates of its own choice by collecting huge amounts for giving such appointment.

4. It is the further case of the petitioners that on the 1st petitioner after receiving interview letter dated 12.04.2019, he had addressed communication dated 15.04.2019 requesting the first respondent to announce the list of candidates short-listed for interview, provisional marks of the candidates after oral interview; and that the 1st petitioner also addressed another letter dated 24.04.2019 to the Director of Vigilance and Anti-Corruption informing that interview which is scheduled to be held on 26.04.2019, 27.04.2019 and 29.04.2019 is concerned, some of the candidates have already been selected by the 3rd respondent at the behest of the person named therein; and that the person mentioned is acting as broker



for settling the appointment made by collecting substantial amounts and sought for initiation of the action.

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5. Petitioners further contend that as letter of the 2nd petitioner dated 15.04.2024 did not elicit any response, he filed the present writ petition on 28.06.2019.

6. In support of the aforesaid contention, the learned Counsel also placed the reliance on the decision of this Court in W.P.No15235 of 2019 in the case of *T.Gangeswari vs. The State rep. By The Secretary to Government and others*, wherein, this Court has held that the recruitment has to be undertaken in fair and transparent manner.

7. Per contra, the learned counsel appearing on behalf of the 3rd respondent submits that the petitioners have filed the present writ petition after applying for the post under the notification and also being issued with an interview call letter dated 12.04.2019, whereby, the 1st petitioner was called upon to participate in the interview for the post of Assistant Professor on 27.04.2019 at 9 a.m.



8. On behalf of the 3rd respondent, it is also contended that since, the petitioners being aware of the selection process, which is specifically mentioned in the notification dated 12.11.2017, the present writ petition has been filed after the petitioners attending the interview and as such, the present writ is not maintainable.

9. In support of the aforesaid contention, reliance is placed on the decision of the Apex Court in the case of ***Madras Institute of Development Studies and another vs. Dr.K.Sivasubramaniyan and others*** in Civil Appeal No.6465 of 2025.

10. I have taken note of the submissions made on either side.

11. While it is contended on behalf of the petitioner that pursuant to the notification dated 12.11.2017, on receipt of interview call letter in the year 2019, the 2nd petitioner having submitted representation initially on 15.04.2019, thereafter, complained to the Vigilance Authorities on 24.04.2019 by mentioning the names of the persons who will be selected and also name of the middlemen who is instrumental in getting the aforesaid appointments by collecting money from the said candidates and it is only



those candidates who have been appointed, it is to be noted that the process of selection to the post of Assistant Professor, in notification dated 12.11.2017, issued by the 3rd respondent, it has been clearly and categorically specified the scheme of selection and marks that would be awarded for the experience plus additional qualification and interview.

12. Though on behalf of the petitioners, it is contended that the personal interview marks are fixed higher so as to manipulate the record, it is to be noted that the petitioners were aware of the interview marks being fixed higher than the experience and educational qualification when the notification was issued and also when the petitioners applied thereunder. The petitioners for the reasons best known to them did not raise any objection to the above selection process put in place by the 3rd respondent. The petitioner on issuance of having not remained silent cannot choose to challenge the aforesaid scheme of selection at a later point of time. It is only after the respondents issuing the interview call letter dated 12.04.2019 calling upon the petitioner to appear for interview on 27.04.2019, the petitioner initiated the process of addressing communications firstly, by letter dated 15.04.2019 to the first respondent and thereafter, another letter to the Vigilance Department Authorities dated 24.04.2019.



Notwithstanding to the fact that the petitioners choose to address letters as stated above, however, took part in the interview on 27.04.2019 and on being declared unsuccessful for getting selected had approached this Court by filing the present writ petition on 28.06.2019.

13. The Apex Court in the Case of ***Ashok Kumar Vs. State of Bihar and others reported in (2017) 4 SCC 357***, referring to the judgment of ***Chandra Prakash Tiwari V. Shakuntala Shukla***, had held that *when a candidate appears at an examination without objection and is subsequently found to be not successful, a challenge to the process is precluded. The question of entertaining a petition challenging an examination would not arise where a candidate has appeared and participated.*

14. In the facts of the present case, though there is no written examination, since, the petitioners were aware of the process of selection pursuant to the notification issued by the respondent on 12.11.2017; that the selection would be based on the criteria specified therein and the marks for interview being higher than the educational qualification and experience, the petitioners choose to apply to the said post of Assistant Professor pursuant to the said notification and it is only after being called for an



interview and also taking part therein choose to assail the action of the respondent in selecting the candidates, alleging that the aforesaid appointments were made not in a fair and transparent manner but were done by collecting amounts without their being any material to substantiate the said claim.

15. Since, the 1st petitioner having applied under the notification for the selection of the candidates to the post of Assistant Professor prescribing the selection procedure method with eyes wide open, the petitioner's cannot be allowed to lay the challenge after the process is completed. Since, the present writ petition has been filed after the first petitioner having applied to the post of Assistant Professor in Economics and also having taken part in the interview held on 27.04.2019 therein, this Court is of the further view that the challenge in the writ petition cannot be entertained.

16. Accordingly, the writ petition is dismissed. No costs.

30.10.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

msv



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Higher Education Department Secretariat,
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