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W.P.No.27683 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.12.2025

PRONOUNCED ON : 12.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

**W.P.No.27683 of 2019
and W.M.P.No.27208 of 2019**

R.Rajalingam

.. Petitioner

vs

1.The Union of India,
Rep. by the Secretary to Government,
Ministry of Human Resources
Development Department,
New Delhi.

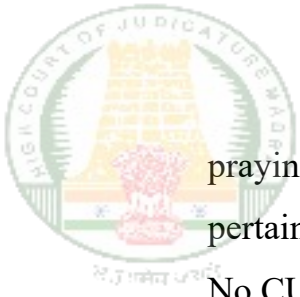
2. The Chairman of Executive Council
and Vice Chancellor
The Central University of Tamil Nadu,
Thiruvarur,
Neelakkudi
Thiruvarur – 610 005.

3.The Central University of Tamil Nadu,
Thiruvarur,
Rep. by its Registrar,
Neelakkudi,
Thiruvarur – 610 005.

4.Dr.S.Bhuvaneswari
Registrar
The Central University of Tamil Nadu,
Thiruvarur
Neelakkudi
Thiruvarur-610 005.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,



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praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the notification bearing Reference No.CUTN-7-113/2018-Estt/7059 dated 20.08.2019 and the Employment Notice No.CUTN/NT/02/2019, dated 06.09.2019 issued by the 3rd respondent in so far as including the post of Senior Technical Assistant (Computer) by direct recruitment afresh, quash the same and consequently, direct the respondents 1 to 3 to appoint the petitioner to the post of Senior Technical Assistant (Computer) (UR1) in the 3rd respondent University from the date the other non-teaching staff were issued with appointment orders, within the time limit that may be fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.T.V.Krishnamachari for R1
Senior Panel Counsel
Mr.K.Srinivasamurthy for R2 and R4
Senior Panel Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Senior Panel Counsel appearing for the respondents and perused the record.

2. The case of the petitioner is that he is a post graduate Engineering degree holder in Computer Science and applied to the post of Senior Technical Assistant (Computer) pursuant to the recruitment notification issued by the 3rd respondent for appointment to various post in the 3rd respondent University vide notification dated 25.05.2018; that the petitioner was successful in



preliminary as well as in main written examination and skill test conducted on 25.05.2019; that the selection of the petitioner to the aforesaid post was placed before the Executive Council for approval; that the Executive Council of the 3rd respondent approved the selection of the petitioner vide resolution dated 07.06.2019; and that despite the petitioner appointment is proved by the Executive Council, the petitioner was not issued with the appointment order.

3. It is the further case of the petitioner that though the Executive Council of the 3rd respondent approved the appointment of the petitioner to the post of Senior Technical Assistant (Computer), as the appointment order was not issued, he has sent an E-mail to the second respondent on 31.07.2019; and that while the petitioner was awaiting for being issued with an appointment order, the Registrar of the 3rd respondent by issuing impugned order dated 20.08.2019 cancelled the recruitment process for the post of Senior Technical Assistant (Computer).

4. It is the further case of the petitioner that subsequent to cancelling the notification under which the petitioner was selected to the post of Senior Technical Assistant (Computer), the 4th respondent issued fresh notification



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dated 06.09.2019 including the post of Senior Technical Assistant (Computer) also, without allowing the petitioner and others who had already participated in the earlier selection process, on the ground of he having become over aged; and that the cancellation of earlier selection / recruitment under taken pursuant to the notification is illegal and thus, the action of the respondents suffers from malafides.

5. It is the further case of the petitioner that as per the terms and conditions of the notification dated 25.05.2018, there is no mention with regard to the candidate applying to the aforesaid post is required to get a minimum marks both in written test as well as skill test as mentioned in the subsequent notification issued on 06.09.2019; and thus, the claim of the respondents that the petitioner did not qualify in the Skill Test by securing marks above the cut-off mark is only intended to deny the appointment to the petitioner to the aforesaid post.

6. Contending as above, the petitioner seeks for quashing of the notification dated 06.09.2019, in so far as including the post of Senior Technical Assistant (Computer) by direct recruitment afresh with a consequential direction to the respondents to appoint the petitioner to the said post.



7. Counter affidavit on behalf of the respondents No.2 to 4 is filed.

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8. The respondents by the counter affidavit stated that in response to the notification dated 25.05.2018 inviting applications for various post including the post of Senior Technical Assistant (Computer) under unreserved category, it had received 191 applications to the said post; that initially 97 applications which were shortlisted for Paper-I i.e., Qualifying Test, was published in the respondents' website; that a revised notification containing a list of 100 shortlisted candidates was published on 22.11.2018; and that the qualifying test for Paper-I was conducted and results were published.

9. The respondents by the counter affidavit contended that the petitioner was one of the 65 candidates who took part in Paper-I -Qualifying Test and secured 56 marks; that as the petitioner secured more than 50% marks, in written test he was one of the shortlisted candidates among the 33 candidates for Paper-II (Descriptive Test); that the Paper-II test was held on 25.05.2019 and the petitioner was among the 30 candidates who took part in the said examination and secured 51 marks; that out of 30 candidates only 6 candidates including the petitioner had secured more than 50% of marks in the said test and thus, was called for Skill Test (Interview type) in the afternoon of the same day and that the petitioner attended the interview test and secured only 13



marks therein.

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10. By the counter affidavit, it is further contended that though the petitioner claims of the notification not prescribing any minimum mark in the skill test, the said claim of the petitioner is contrary to the recruitment rules of the respondents under which the notification for aforesaid recruitment was issued and undertaken.

11. By the counter affidavit, it is contended by the respondents that the cadre recruitment rules published, Rule-11. III (e) prescribes that “*The candidates who secure 50% marks in Paper II shall be called for skill test, wherever applicable and that the marks allocated for the skill test shall be 50 and the minimum qualifying marks in the skill test shall be 25 and that the merit of the candidates shall be drawn based on the performance in Paper-II (Descriptive Test) only subject to qualifying the skill test.*”

12. The respondents by the counter affidavit contended that though the petitioner secured 50% of marks in Paper-II, however, in the skill test secured only 13 marks while the minimum mark for qualifying in the skill test is 25 marks and thus, the petitioner did not qualify for his candidature to be considered for the aforesaid post.



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13. By the counter affidavit, it is further contended that since, the remaining 5 candidates out of 30 candidates who were permitted to take Paper-II (Descriptive test) having secured equal marks in the Paper-II though secured different cut-off marks in the skill test, as the Rules provide for the candidate being selected on the basis of performance in Paper-II, the respondents before publishing the results on its website cancelled the notification by mentioning the reason for cancellation as administrative reasons adopting Rule No.6 of the Terms and Conditions by withdrawing the said post from the recruitment process; and that the Executive council was appraised of the same in its 27th meeting held on 30.09.2019 which had accorded its approval for cancellation. It is contended that pursuant to the cancellation of earlier notification, subsequent notification dated 06.09.2019 was issued.

14. Contending as above learned counsel for the respondents seek for dismissal of the writ petition.

15. I have taken note of the respective contentions urged.

16. The fulcrum of the petitioner case is that the notification issued for recruitment to the post of Senior Technical Assistant (Computer) did not



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specify any minimum marks to be secured in the Skill Test so as to be eligible for being appointed to the said post and as such, the imposition of the said condition is only to deny the petitioner being appointed to the said post, even though the petitioner was successful in written examination conducted. However, it is to be noted that in the notification dated 25.05.2018 issued by the respondents, under the heading 'General Information and Conditions', under the Sub-heading 'Terms and Conditions', it is mentioned that the essential qualification prescribed are the minimum and mere possession of the same does not entitle the candidate to be called for "written test/interview". The entire notification does not refer to how a candidate would be considered as having qualified for the written test or interview for the petitioner to claim that the notification does not prescribe any minimum marks for Skill test/interview. However, as per the general information and conditions of the said recruitment notification, a candidate is required to download the prescribed application from the website mentioned therein. It is only when a candidate access the website mentioned in the general conditions of the notification in order to download the prescribed application, he would get to know that the recruitment is being undertaken pursuant to the Cadre Recruitment Rules published. Rule-11 of the Cadre Recruitment Rules as published by the respondents deals with the procedure for issue of advertisement and inviting applications.



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17. Sub Clause (e) of Clause III of Rule 11 of the Rules deals with “Holding of written/skill test”. The relevant portion of the aforesaid Rule reads as under:.

“ III.(e). The University may conduct written tests at two stages i) A qualifying test (Paper I) consisting of the objective-type questions carrying 100 marks, and (ii) the Descriptive-type test (Paper II) carrying 100 marks. The minimum qualifying marks to be secured in Paper I shall be 40%. The answer scripts of the candidates for the descriptive test shall be evaluated only in respect of those candidates who secure the minimum qualifying marks in Paper I. The candidates who secure 50% marks in Paper II shall be called for the skill test, wherever applicable. The marks allocated for the skill test shall be 50 and the minimum qualifying marks in the skill test shall be 25. The merit of the candidates shall be drawn based on the performance in Paper II (Descriptive test) only subject to qualifying the skill test.”

18. It is the aforesaid Rule which mentions the details as to the qualifying mark, paper wise i.e., for Paper-I and Paper-II and also marks for skill test and the minimum qualifying mark in the skill test. Thus, the Rule under which the aforesaid recruitment is undertaken, having clearly specified the qualifying mark in the skill test to be 25 and the petitioner having secured



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the mark lesser than that, merely on the basis of the marks secured in the written examination cannot claim of being successful for being appointed to the said post. Though on behalf of the petitioner, it is contended that the Executive Council having approved the appointment of the petitioner to the said post in its meeting held on 07.06.2019, mere approval by the Executive Council itself cannot confer a right on the petitioner to claim of being required to be appointed to the said post, if he had not qualified as per the Rules.

19. Further, Clause 6 of the 'Terms and Conditions' of the notification forming part of 'General Information and Conditions' of the notification conferring power on the respondent University to withdraw any of the post from recruitment if the circumstances so warrants and the respondents in exercise of such power reserved to it having taken a decision to withdraw the post of Senior Technical Assistant (Computer), the petitioner cannot claim to be appointed or he having secured indefeasible right for being appointed to the said post.

20. The Hon'ble Supreme Court in the case of ***Shankarsan Dash Vs. Union Of India*** reported in **1991 SCC Online SC 169** having held that the existence of vacancy does not give a legal right to select a candidate which principle has been reiterated by the Hon'ble Apex Court once again in the case of ***Transmission Corporation of Telangana State Ltd., vs. Chukkala Kranthi***
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Kiran and others reported in **2025 SCC Online SC 1785**, this Court is of the view that the challenge of the petitioner to the cancellation of notification dated 25.05.2018 and issuance of fresh notice on 06.09.2019, has to fail.

21. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

12.12.2025

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
Msv

To
1.The Secretary to Government,
Union of India,
Ministry of Human Resources
Development Department,
New Delhi.

2. The Chairman of Executive Council
and Vice Chancellor
The Central University of Tamil Nadu,
Thiruvarur, Neelakkudi
Thiruvarur – 610 005.

3.The Central University of Tamil Nadu,
Thiruvarur,
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Registrar
The Central University of Tamil Nadu,
Thiruvarur

11/13



Neelakkudi, Thiruvavarur-610 005.

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T. VINOD KUMAR, J.

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Pre-Delivery Order in
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and **W.M.P.No.27208 of 2019**

12.12.2025