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W.P. No. 35364 of 2019

THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 15.12.2025

Pronounced on : 19.12.2025

CORAM

THE HON'BLE MR. JUSTICE T. VINOD KUMAR

W.P. No. 35364 of 2019

and

W.M.P. Nos. 36184 of 2019, 4542 of 2020 and 25754 of 2021

Dr. S. Saravanan

..Petitioner

Versus

1. Secretary,
Guru Nanak College,
Guru Nanak Salai, Velachery,
Chennai – 600 042.
2. Director of Collegiate Education,
Government of Tamil Nadu,
9th Floor, EVK Sampath Buildings,
College Road, Chennai – 600 006.
3. Regional Joint Director,
Office of the Regional Joint Director of Collegiate Education,
Institute of Advanced study in Education Campus,
Saidapet, Chennai – 600 015.
4. Vice Chancellor,
University of Madras,
Navalar Nagar, Chepauk,
Chennai – 600 005.
5. Principal Secretary to Government,
Higher Education Department Secretariat,
Chennai – 600 005.



W.P. No. 35364 of 2019

6.Dr. S. Ulaganathan,
Assistant Professor Economics,
Guru Nanak College,
Guru Nanak Salai, Velachery,
Chennai – 600 042.

..Respondents

Writ petition is filed under Article 226 of Constitution of India, praying for issuance of writ of certiorarified mandamus, to call for the records, pertaining to the appointment of the sixth respondent to the post of Assistant Professor in Economics in the first respondent college under Scheduled Caste Category, as indicated by the RTI reply by the third respondent in his proceedings in O/Mu/No.4660/E2/2019 dated 04.09.2019, quash the same and consequently direct the respondents 1 to 5 to consider the petitioner's candidature for the appointment to post of Assistant Professor in Economics in the first respondent college under Scheduled Caste Category as per the UGC norms.

For Petitioner : Mr. G.R. Hari

For Respondents : Mr. H. Karthik Seshadri for R1
Mr. Vadivelu Deenadayalan,
Additional Government Pleader for R2, 3, & 5
Mr. Palanimuthu, for R4
Mr. M. Gnanasekar for R6

ORDER

Heard the learned counsel for the petitioner, the learned counsel for the 1st respondent, the learned Additional Government Pleader for respondents 2, 3 and 5 and the learned counsels for respondents 4 and 6 and perused the records.



W.P. No. 35364 of 2019

2. Briefly put, the case of the petitioner, is that the 1st respondent issued an advertisement on 03.10.2016 to fill up vacancies in the post of Assistant Professor in the various faculties, which *inter alia* included the post of Assistant Professor in Economics; that in all three posts of Assistant Professor in Economics were to be filled with candidates under General Turn-1, Most Backward Class-1 and Scheduled Caste / Scheduled Tribe-1; that the petitioner being a post graduate i.e., M.A. in Economics, having qualified in the year 2003 and having obtained a Ph.D. in the year 2012, being fully eligible, submitted his application for the post of Assistant Professor in Economics in respect of vacancy reserved for SC / ST category.

2.1. The petitioner further contended that as per the advertisement issued by the 1st respondent, in order to be eligible to apply for the aforesaid vacancies, a P.G. degree in the relevant subject with 55% and above, along with a Ph.D. in the relevant subject, was a precondition; that he having secured 67% in M.A. Economics and also possessing Ph.D., applied for the aforesaid post and was hopeful of being selected against the reserved vacancy.

2.2. It is the further case of the petitioner that the 6th respondent did not meet the eligibility criteria prescribed i.e., 55% in P.G. degree inasmuch as the said respondent had secured only 54% and thus is not eligible to apply; and that



W.P. No. 35364 of 2019

despite the same, the 6th respondent not only applied for the aforesaid vacancy but was also selected and appointed by the 1st respondent against the vacancy reserved for SC Category, for which the petitioner was competing for being selected.

2.3. It is the further case of the petitioner that since, the notification prescribed the minimum eligibility criteria as 55%, the respondents could not and ought not have accepted the application of the 6th respondent at the first instance, much less called him for the interview and selecting him thereafter.

2.4. It is also contended by the petitioner that the 1st respondent, while conducting interviews for selecting candidates to fill up the aforesaid vacancies, conducted interviews separately for each category, i.e., to fill up the vacancies under G.T., MBC and SC/ST and as such, instead of conducting a common interview for all the candidates and selecting the candidates against the respective vacancies based on merit in the interview, the respondents, by resorting to separate selection for each category, indulged in manipulation by interchanging candidate whom they intended to appoint in the said vacancies.

2.5. It is also contended by the petitioner that since, the respondents sought to fill up the vacancies solely by means of conducting interview, they were required to conduct one common interview for all candidates and ought to have prepared a consolidated merit list based on the marks secured in the inter-



W.P. No. 35364 of 2019

view, from amongst the candidates who had cleared interview by appointing the candidate who secured the highest marks under the General Turn and thereafter, filled up the vacancies under MBC and SC / ST Categories on the basis of merit from and among the candidates belonging to the respective categories; that the respondents without following the selection process as stated above, prepared the list for recruitment under the General Turn by including the name of the 6th respondent, despite the fact that he did not fulfil the minimum prescribed criteria of securing 55% marks in the P.G. course; and that thereafter interchanged the candidates to suit their convenience; and that he had secured the said information from the 3rd respondent in response to applications submitted under RTI Act and therefore seeks to quash the selection undertaken by the 1st respondent, with a consequential direction to the said respondent to consider the candidature of the petitioner for appointment to the post of Assistant Professor in Economics in the 1st respondent College as per UGC norms, under the SC category.

3. Separate counter affidavits were filed on behalf of the 1st and 2nd respondents.



4. The 1st respondent, in the counter affidavit, contended that some of the documents being relied upon by the petitioner and filed before this Court are not authenticated, inasmuch as the petitioner had neither disclosed the source from which the said documents were obtained nor were the same attested by the competent authority.

4.1. The respondents further contended that although the petitioner claimed to have submitted a representation dated 30.09.2019, no such representation was received by them and therefore there was no requirement to respond to the aforesaid representation; that the claim of the petitioner that the 6th respondent was ineligible for being appointed to the aforesaid vacancy on the ground of he not having secured the required percentage of marks in the P.G. course is without any basis; and consequently, the allegation that the respondents had interchanged the candidature is without any basis.

4.2. The respondents further contended that the petitioner has approached this Court on mere surmises and conjectures; and that the petitioner had neither challenged the appointment order issued to the 6th respondent against vacancy reserved for SC category and that of another candidate who was selected under the General Turn nor the approvals granted by the 3rd respondent for such appointment.



W.P. No. 35364 of 2019

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4.3. The respondents further contended that the petitioner had split the information obtained and relied upon information gathered by him selectively to suit his case while filing the present writ petition, thereby painted a distorted picture of the entire selection process; that the petitioner having applied for the aforesaid vacancy, attended the interview and having not been successful therein, filed the present writ petition after a lapse of more than two years and three months from the date of interview; and that the selected candidates had joined service and their services had been regularised.

4.4. The respondents further contended that the challenge to the selection process undertaken by the 1st respondent in or about the year 2017, by way of the present writ petition, is a belated challenge, apart from the petitioner being estopped from questioning the selection process after having participated therein; and that the writ petition is also based on unverified documents without disclosing the source from which the petitioner had obtained the said documents and thus, the writ petition cannot be entertained involving disputed documents.

5. The learned counsel appearing on behalf of the respondents 2, 3 and 5 submitted that the role of the respondents, particularly that of the 3rd respondent, is limited to verifying whether the selected candidates forwarded by the 1st re-



W.P. No. 35364 of 2019

spondent satisfy the eligibility criteria for recruitment, as the salaries of the selected candidates are required to be paid by the Government, being fully aided posts.

6. The 2nd respondent further contended that since, the information furnished by the 1st respondent revealed that the selection of the candidates, like that of the 6th respondent was based on an interview conducted by a duly constituted Selection Committee, consisting members appointed by the University of Madras and as the selected candidates satisfied the prescribed eligibility criteria, the 2nd respondent had accorded approval to the proposal received from the 1st respondent with regard to the selection of the 6th respondent against the vacancy under the SC category, as well as against the vacancies under the General Turn (GT).

7. The learned counsel appearing on behalf of the 6th respondent submitted that the 6th respondent was selected pursuant to an interview conducted by a Committee of Experts, as nominated by the University of Madras in terms of UGC guidelines; that upon the 1st respondent forwarding the proposal for appointment, on the 3rd respondent approving the same, the 6th respondent joined the service of the 1st respondent in the year 2017; that after completion of a pro-



W.P. No. 35364 of 2019

bation of two years, the services of the 6th respondent were confirmed on 28.06.2019; and that thereafter, having completed a further period of six years of service after joining, the petitioner cannot, by filing the writ petition after the confirmation of service, seek to quash the selection process undertaken by the 1st respondent without specific challenge either to the order of appointment under which the 6th respondent was appointed to the post of Assistant Professor in Economics or the approvals granted by the respondent No.3.

8. Contending as above, the respondents seek dismissal of the writ petition.

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

10. At the outset, though the petitioner contended that the selection process adopted by the 1st respondent to fill up the aforesaid vacancy solely by conducting an interview was intended to select the candidates of their choice, it is to be noted that the petitioner, having applied pursuant to the advertisement issued by the 1st respondent and having participated in the selection process by attending the interview, is estopped from challenging the selection process as intended to select candidate of their choice or is contrary to the known method of



W.P. No. 35364 of 2019

selection. If only the petitioner had felt that the selection process was contrary to any rule or regulation, he ought to have challenged the advertisement itself, under which the 1st respondent sought to fill up the post of Assistant Professor in various faculties, instead of applying for the said post and thereafter questioning the selection process, particularly when he was placed as a wait-listed candidate against the vacancy of Assistant Professor in Economics reserved for the SC category.

11. It is a settled position of law that a candidate who has taken part in the selection process by submitting his candidature cannot thereafter lay a challenge to the selection or to the method of selection, as held by the Apex Court in the case of ***Ashok Kumar and Another vs. State of Bihar and Others***, reported in **(2017) 4 SCC 35** wherein, the Hon'ble Supreme Court has held as under:

“13.The law on the subject has been crystallised in several decisions of this Court. In Chandra Prakash Tiwari v. Shakuntala Shukla [Chandra Prakash Tiwari v. Shakuntala Shukla, (2002) 6 SCC 127 : 2002 SCC (L&S) 830], this Court laid down the principle 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. He or she



W.P. No. 35364 of 2019

cannot subsequently turn around and contend that the process was unfair or that there was a lacuna therein, merely because the result is not palatable. In Union of India v. S. Vinodh Kumar [Union of India v. S. Vinodh Kumar, (2007) 8 SCC 100 : (2007) 2 SCC (L&S) 792], this Court held that : (SCC p. 107, para 18)

“18. It is also well settled that those candidates who had taken part in the selection process knowing fully well the procedure laid down therein were not entitled to question the same. (See Munindra Kumar v. Rajiv Govil [Munindra Kumar v. Rajiv Govil, (1991) 3 SCC 368 : 1991 SCC (L&S) 1052] and Rashmi Mishra v. M.P. Public Service Commission [Rashmi Mishra v. M.P. Public Service Commission, (2006) 12 SCC 724 : (2007) 2 SCC (L&S) 345].)”

12. Further, the Hon’ble Supreme Court, in the case of ***Madan Lal and Others v. The State of Jammu and Kashmir and Others***, has also held that a candidate who has participated in the selection process cannot be allowed to file a writ petition after having failed to qualify in the said selection.

13. Though the main grievance set out by the petitioner is with regard to the selection of the 6th respondent as Assistant Professor in Economics, on the ground that he had secured only 54% marks in his post-graduation and therefore, did not fulfil the eligibility criteria prescribed in the advertisement issued



by the 1st respondent, which required a minimum of 55%, it is to be noted that the petitioner himself admits that the aforesaid vacancy is an aided post and the 2nd respondent vide proceedings dated 25.02.2016, while according permission to make appointments to 12 teaching posts in the 1st respondent College, had prescribed the educational qualification including the relaxation granted. In view of the same, the consideration of the candidature of the 6th respondent cannot be held to be contrary to the minimum eligibility prescribed in the advertisement issued by the 1st respondent. The condition imposed by the 2nd respondent, while according approval to the 1st respondent to fill up the 12 teaching posts in the cadre of Assistant Professor, vide proceedings dated 25.05.2016 reads as under:

“Conditions:

1 to 12.....

13. The following educational qualifications, as stipulated by the University Grants Commission (UGC), must be followed for the Assistant Professor posts for which appointments are made:

[1] 55% marks in the Master's degree in the concerned subject (50% marks are sufficient for physically Handicapped / SC / ST candidates).

[2] In addition to the above qualification, the candidate must have passed SLET/NET/Ph.D in the concerned subject.”

(underlining supplied by Court)



W.P. No. 35364 of 2019

14. Since the 6th respondent belongs to a marginalised section of society (SC) he would be eligible to apply for the notified post, if he had 50% marks in the Master's degree as against the general requirement of 55% for others. Thus, the main contention of the petitioner, that the 6th respondent did not possess the required percentage of marks and is not eligible for consideration is without any basis and is thus, liable to be rejected. Accordingly, the said contention is rejected. The 2nd respondent having applied for the vacancy reserved under the General Turn as well as under the SC category, his candidature was required to be considered for appointment both against the General Turn as well as against the vacancy reserved under SC category.

15. Thus the claim of the petitioner that the 1st respondent, having found that the 6th respondent did not possess the required eligibility criteria for appointment against the General Turn vacancy, resorted to interchanging the candidate selected under the vacancy reserved for SC and thus the interviews were conducted only to select a candidate of their choice, does not impress this Court for being accepted.

16. The said contention of the petitioner would be worth consideration if the relaxation in terms of percentage in Master's degree were provided only in



W.P. No. 35364 of 2019

respect of the vacancy reserved for the SC Category. However that is not the case. The relaxation in Condition No.13, as extracted above, applies to the vacancies/posts for which appointments are sought to be made by the 1st respondent. Accordingly, the 6th respondent was eligible to offer his candidature both against the vacancy reserved under the General Category as well the vacancy reserved for SC, which he admittedly had done, while the petitioner chose to offer his candidature only against the vacancy reserved for the SC Category.

17. Though in the course of arguments, the learned counsel for the petitioner sought to raise a contention with regard to the selection process and the application of reservation, inasmuch as there is no pleading to that effect in the affidavit filed in support of the writ petition, this Court refrains from considering the said plea, advanced across the Bar, without amendment of the pleadings and without putting the respondents on notice.

18. Further, it is to be noted that the petitioner approached this Court by way of the present writ petition after a lapse of two years from the completion of the selection process, without either assailing the permission accorded by the 3rd respondent for the appointment of the 6th respondent or the proceedings pursuant to which the 6th respondent had joined the service of the 1st respondent as



W.P. No. 35364 of 2019

Assistant Professor. The petitioner has also failed to satisfactorily explain the delay in approaching this Court. Though the petitioner claimed that the delay is on account of obtaining information under RTI Act, he had already come to know the selection of the 6th respondent, which he alleges to be vitiated, as noted herein under:

19. The selection of the 6th respondent cannot be held to be illegal, as the petitioner had submitted an application to the 3rd respondent under the RTI Act seeking information only on 03.08.2019, by which time, the services of the 6th respondent had already been confirmed upon successful completion of probation. Thus, this Court is of the view that the challenge to the selection process in the present writ petition suffers from delay and laches and accordingly, unsustainable.

20. Accordingly, the Writ Petition is devoid of merit and is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

19.12.2025

Index : Yes/No
Neutral Citation : Yes/No
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15/17



W.P. No. 35364 of 2019

To

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Guru Nanak College,
Guru Nanak Salai, Velachery, Chennai – 600 042.
2. The Director of Collegiate Education,
Government of Tamil Nadu,
9th Floor, EVK Sampath Buildings, College Road, Chennai – 600 006.
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6. Dr. S. Ulaganathan,
Assistant Professor Economics,
Guru Nanak College, Guru Nanak Salai, Velachery, Chennai – 600 042.



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W.P. No. 35364 of 2019
T. VINOD KUMAR, J.

AT

Order made in
W.P. No. 35364 of 2019 and
W.M.P. Nos. 36184 of 2019, 4542 of 2020 and 25754 of 2021

19.12.2025