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WP No. 37255 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**WP No. 37255 of 2025
AND
WMP NO. 41678 OF 2025**

1. Union of India
Rep.by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi 110 011

2. The Director
Jawaharlal Institute of Postgraduate
Medical Education and Research
JIPMER Campus Road, Gorimedu,
Dhanvantari Nagar,
Puducherry-605 006

3. Senior Administrative Officer
Jawaharlal Institute of Postgraduate
Medical Education and Research
JIPMER Campus Road, Gorimedu,
Dhanvantari Nagar,
Puducherry-605 006.

Petitioner(s)

Vs

1. Dr Rohit Goel
S/o Ashok Goel,
No 167 4th cross street



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Anugraha Satellite Township
Pondicherry-Cuddalore Road,
Periyakattupalayam
Cuddalore 605 107.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for the records from the Central Administrative Tribunal, Chennai dated 3.3.2025 in O.A.No. 310/00703 of 2024 and quash the same as illegal, arbitrary, without jurisdiction and to pass such other orders as this Honble Court may deem fit in the interest of justice, award costs and render justice.

For Petitioners(s): K. Srinivasa Murthy,
SPCCG

For Respondent(s): Mr.G.Sankaran, Senior Counsel
For Mr.S.Nedunchezian

ORDER

(Order of the Court was made by ***S.M.Subramaniam J.***)

Under assail is the order passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.310/00703 of 2024 dated 03.03.2025.

2.The Governing legal principles for selection to public appointments to be considered in the present case are:



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(i) Mere participation in the Selection would confer no right on the candidates;

(ii) Selection *per se* will not confer any right and the competent authority is empowered to cancel the selection on justifiable reasons;

(iii) Only in the event of violation of Statute and Rules or the procedures contemplated under the Recruitment Notification, a candidate who participated in the recruitment process may get a cause for institution of legal proceedings;

(iv) Verification of antecedents, character and suitability of the candidates are the prerogative of the Selection Committee/Employer;

(v) The High Court in exercise of powers of judicial review ordinarily would not interfere with the assessment of antecedents, character and suitability of a candidate in the matter of selections.

(vi) The scope of judicial review on these aspects are limited and Courts are not expected to substitute its views regarding the opinion formed by the Selection Committee/Employer during the course of selection.

3. Borne in mind the above principles, the facts in brief in the present case would show that the respondent participated in the process of selection to the post of Assistant Professor in Forensic Medicine in Puducherry “Jawaharlal



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Institute of Post-Graduate Medical Education and Research” [hereinafter shall be referred to as “JIPMER”].

4. Pursuant to the Recruitment Notification, applications from eligible candidates were invited and the respondent admittedly participated in the process of selection and selected to the said post of Assistant Professor of Forensic Medicine. During the verification of antecedents, character etc., the Selection Committee found that certain enquiries were pending against the respondent, since he was working as a Senior Resident at Maulana Azad Medical College and Lok Nayak Hospital, New Delhi. The allegation raised is that, the respondent Senior Resident and Dr.A.Arthy, Senior Resident illegally without permission preserving the tissue samples for their personal use and research taken from the dead bodies. The said Maulana Azad Medical College Professor, Mortuary Incharge, in his letter dated 24.07.2019 has stated that the said procedure is going on for many years there is a huge illegal/unauthorized collection of tissue lying in the mortuary and they acquired a room for this purpose. This kind of illegal practice which involves retrieval from the dead body in a medicolegal has to be stopped with immediate effect, as it leads to several ethical issues. This letter of Dr.Ubender Kishore, Professor, Mortuary



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incharge dated 24.07.2019 resulted in initiation of certain enquiry proceedings and it was in progress during the relevant point of time.

5.The learned Senior Counsel appearing for the respondent would submit that the respondent has not been served with any charge memorandum nor disciplinary proceedings has been initiated against him. But, the Director, Professor and Head of the Department of Forensic Medicine in his letter dated 06.01.2020 has stated that there was a complaint against him, but there was nothing adverse against the respondent in the records available with the Department. Relying on the said observation of the Director and Professor, the learned Senior Counsel would contend that it would be premature on the part of JIPMER to arrive at a conclusion that the respondent has involved in any such illegal activity. Thus, the selection ought to have been confirmed and consequently, appointment order has been issued to the respondent.

6.The learned Senior Panel Counsel appearing for the writ petitioners would mainly contend that the Selection Committee found that the respondent is a tainted person during the relevant point of time. Though it remains as an allegation, the Selection Committee considered the same at the time of



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assessing the suitability and eligibility of the respondent. Assessment of antecedents, character and suitability is the prerogative of the employer and while doing so, if they come across any serious allegation, then the Committee's decision become final, and the Central Administrative Tribunal has not considered these facts and principles.

7.The learned Senior Panel Counsel would submit that the entire selection process was cancelled for the post of Assistant Professor of Forensic Medicine at JIPMER, and other person was selected or appointed. Fresh recruitment Notification was issued on 15.10.2024 for the post of Assistant Professor of Forensic Medicine. Therefore, the respondent has no right to claim appointment based on the selection, which was cancelled by the Authorities.

8.This Court is of the considered view that mere selection would not provide absolute right to the respondent. This Court is not inclined to go into the veracity of the allegations raised against the respondent, since it is for the Authorities to conduct enquiry. Though the learned Senior counsel for the respondent would submit that they have cleared the allegations, but it was



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disputed by the learned Senior Panel Counsel for Government of India. May that as it be. During the process of selection, there were several correspondences between JIPMER as well as the employer of the respondent i.e., Maulana Azad Medical College & Lok Nayak Hospital, New Delhi, which would reveal that the enquiry was in progress during the relevant point of time and several communications would further show that the allegations involve medical ethics.

9. Under those circumstances, the Selection Committee of JIPMER formed an opinion that the respondent may not be suitable for the post of Assistant Professor for Forensic Medicine and consequently, cancelled the selection. The opinion formed by the Selection Committee of JIPMER cannot be held as perverse, in view of the fact that the assessment of suitability, character and antecedents are of paramount importance especially for selection and appointment to the post of Assistant Professor for Forensic Medicine. They are conducting post mortems and dealing with the dead bodies in the hospitals. JIPMER being a reputed institution in our Country, the process of selection adopted by them must be strictly in consonance with the established principles as well as under the provisions of the Statute, Rules and the terms stipulated in the Recruitment Notification. Since the Selection Committee



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formed an opinion that the respondent was not suitable for appointment to the post of Assistant Professor for Forensic Medicine and subsequently, cancelled the entire selection and issued a fresh recruitment Notification, there is no reason to sustain the order impugned passed by the Central Administrative Tribunal. That apart Central Administrative Tribunal has failed to consider the fact that the assessment of character, antecedents and suitability is the prerogative of the employer and the scope of judicial interference is limited and Court cannot substitute the views of the Selection Committee in the matter of character and suitability of a person for the selection to public posts.

10. For all these reasons, the order impugned dated 03.03.2025 in O.A.No.310/00703 of 2024 is set aside and the Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected WMP is also closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
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Speaking order
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