



W.P.(MD).No.24839 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.24839 of 2016

and

W.M.P.(MD)Nos.17957 and 17958 of 2016

P.Nagasurendran

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by the Secretary,
Department of Higher Education,
Fort St.George, Chennai-9.

2.The Vice Chancellor,
Manonmaniyam Surendranar University,
Tirunelveli District.

3.Manonmaniyam Surendranar University,
Represented by its Registrar,
Tirunelveli District.

4.S.R.Sundaravalli,
Assistant Professor,
Department of Education,
Manonmaniyam Surendranar University,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Declaration***, to declare the selection of the Respondent No.4 in the post of Assistant Professor, Department of Education at



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the 3rd Respondent University as illegal and Violative of the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational institutions including Private Educational Institutions and of appointments of posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009 and Rules notified in G.O.Ms.No.65, Personal and Administrative Reforms(K) Department, dated 27.05.2009 and consequently for a direction, directing the Respondent No.3 to appoint the Petitioner in the post of Assistant Professor in Department of Education at the 3rd Respondent University with consequential benefits within the time period stipulated by this Court.

For Petitioner	: Mr.G.Karthik for M/s.T.Lajapathi Roy and Associates
For R1	: Mr.V.Om Prakash Government Advocate
For R2 and R3	: M/s.H.Jasima Yasmin for M/s.Ajmal Associates
For R4	: Mr.K.Ragatheesh Kumar for M/s.Isaac Chambers

ORDER

This writ petition is filed for issuance of a writ of Declaration, to declare the selection of the 4th Respondent in the post of Assistant Professor, Department of Education at the 3rd Respondent University as illegal and violative of the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational institutions including Private Educational Institutions and of appointments of posts in the services under the State within the Reservation for the Scheduled



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Castes) Act, 2009 and Rules notified in G.O.Ms.No.65, Personal and Administrative Reforms(K) Department, dated 27.05.2009 and consequently for a direction, directing the 3rd Respondent to appoint the Petitioner in the post of Assistant Professor in Department of Education at the 3rd Respondent University with consequential benefits within the time period stipulated by this Court.

2. The contention of the petitioner is that he has completed Master of Science in Information Technology in the year 2007 and completed M.Ed., in the year 2011 and also completed State Eligibility Test (SET) conducted by the Bharathiyar University in the year 2012. He has worked as Assistant Professor in various institutions. When the post of Assistant Professor in the respondent University was called for, the petitioner had applied for the same. The petitioner also indicated that he was applying to the said post under reserved category of SC(A). The contention of the petitioner is that the petitioner is the only candidate available under the SC(A) and in the selection process the respondents ought to have selected and declared the petitioner as successful candidate. However, the respondents have appointed the 4th respondent but the 4th respondent belongs to SC and not SC(A). The further contention of the petitioner is that there is no transparency in the selection process. The said post is reserved for SC(A). If there



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is no eligible candidate, the said post ought to be carried forward and filled up only with SC(A) candidate for the next four selection processes. Without doing the same, the respondents have appointed the 4th respondent. Hence, the petitioner has filed the present writ petition.

3. The learned Counsel appearing for the respondent University submitted that if there is no candidate with merits under SC(A) category, the vacancy can be filled up with the persons belonging to SC category and relied on G.O.Ms.No.61, Adi Dravidar and Tribal Welfare (TD2) Department, dated 29.05.2009, wherein it is stated as under:

"The seats to Arunthathiyars shall be offered in the rotation 2,32 and 66", the following expression shall be substituted, namely :-

"The seats to be allotted to Arunthathiyars on preferential basis shall be offered in the horizontal rotation such as 2,32 and 66. The preferential seats if filled up, it does not mean that the other qualified Arunthathiyars shall not compete with the rest of the Scheduled Castes members on inter-se merit basis; vice versa, if no qualified Arunthathiyars are available to fill up the preferential seats, it does not mean that the vacancies so arising shall not be filled up by the Scheduled Castes members on merit basis".

By following the above said clarification in the said G.O., the list of candidates



consisting of SC was considered for the selection process. Hence there is no infirmity in considering the SC candidates.

4. The Learned Counsel appearing for the petitioner vehemently submitted that there is no transparency in the interview, the respondents deliberately had granted less marks in the interview. Per contra, the Learned Counsel appearing for the respondent submitted that for the selection process 23 candidates had applied for the post and one candidate was disqualified, since she was not possessing NET/Ph.D., at the time of selection process. Among the other 22 candidates, the 4th respondent obtained highest marks. Therefore, the 4th respondent was considered and appointed. The petitioner has obtained only 9 marks and hence the petitioner's candidature was not considered, hence the allegation of transparency is erroneous.

5. On perusal of the interview marks, it is seen that almost all the candidates were granted below 10 marks and only one candidate, i.e., the 4th respondent Sundaravalli was granted 19 marks. On perusing the marks granted to academic record and research performance, it is seen that one candidate has secured 43 marks, 4th respondent has secured 26 marks and the petitioner has



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secured only 7 marks. Even if it is taken that there is no transparency in granting marks for interview, but while taking the marks granted to academic record and research performance, the petitioner's performance is not up to the mark among the candidates participated in the selection process. Therefore, the allegation of transparency is not available in the present case. When the meritorious candidate, i.e. 4th respondent is appointed, this Court is not inclined to interfere with the selection process.

6. With the above said observations, the writ petition is dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

13.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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The Secretary,
Department of Higher Education,
Fort St.George, Chennai-9.



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S.SRIMATHY, J.

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