

W.P.(MD) No.21851 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 17.07.2025

Pronounced On : 25.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.21851 of 2017

and

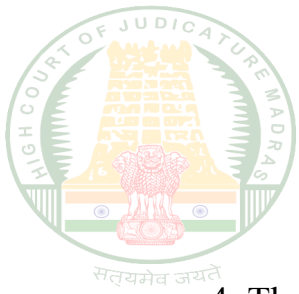
W.M.P.(MD)No.18145 of 2017

Dr.R.Nandakumar,
S/o.K.Rengasamy,
No.73, Akkalampatty,
Namagiripet Post,
Rasipuram Taluk,
Namakkal District - 637 406.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Secretary,
Department of Higher Education,
Fort St. George,
Chennai – 9.
2. The Director of Collegiate Education,
Office of the Director of Collegiate Education,
9th Floor, E.V.K.Sampath Buildings,
College Road, Chennai – 600 006.
3. The Joint Director of Collegiate Education,
Office of the Director of Collegiate Education,
College Road, Chennai – 600 006.



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4. The Virudhunagar Hindu Nadar's
Senthikumara Nadar College,
Rep. by its Correspondent,
Virudhunagar – 626 001,
Virudhunagar District.

5. Dr. N.Nagarajan,
Assistant Professor,
Virudhunagar Hindu Nadar's
Senthikumara Nadar College,
Virudhunagar – 626 001,
Virudhunagar District.

... Respondents

PRAYER in W.P.:

To issue a writ of Declaration to declare the selection of the fifth respondent in the post of Assistant Professor, Department of Zoology at the fourth respondent college 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 fourth respondent to appoint the petitioner in the post of Assistant Professor in Department of Zoology at the fourth respondent College within the time period stipulated by this Court and pass any further order or orders as this Court may deem fit and proper in the circumstance of the case and thus render justice.



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PRAYER in W.M.P.(MD)No.18145 of 2017 :

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APPEARANCE OF PARTIES:

For Petitioner : Ms.Rohini
for M/s.Lajapathi Roy Associates

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 -3

: Mr.S.Vashik Ali
for Mr.A.Nallathambi for R4

: Mr.G.Mohan Kumar for R5

J U D G M E N T

Heard.

2. The petitioner has filed this writ petition seeking to declare the selection of the 5th respondent to the post of Assistant Professor in the Department of Zoology at the 4th respondent institution - Virudhunagar Hindu Nadar's Senthikumara Nadar College as illegal and violative of the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational



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Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009 and the Rules notified in G.O.(Ms.)No.65, Personnel and Administrative Reforms (K) Department dated 27.05.2009. The petitioner also seeks a consequential direction to appoint him to the said post.

3. The petitioner belongs to the Scheduled Caste Arunthathiyar community and holds requisite academic and research qualifications, including an M.Sc. in Zoology (2011), a Ph.D. in Zoology (October 2017), and a SET qualification (2016). He also has experience as a UGC Project Fellow and has published multiple papers in peer-reviewed journals.

4. The 4th respondent college issued an advertisement dated 10.05.2017 calling for applications to two posts of Assistant Professor in Zoology - one reserved for Scheduled Caste (Arunthathiyar) [SC(A)] and the other for General Turn. The petitioner applied under the SC(A) category and was called for interview on 15.06.2017. However, the post was awarded to the 5th respondent, who belongs to the SC (non-Arunthathiyar) category.



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5. The petitioner contends that this appointment was in violation of the 2009 Act and G.O.(Ms.)No.65. As a qualified SC(A) candidate, he argues that the post earmarked for that category could not have been diverted to any other Scheduled Caste candidate. He also alleges institutional bias, pointing out that the 5th respondent had previously worked in the college's self-financing stream.

6. The learned counsel for the petitioner relies on the Division Bench judgment of this Court in ***T.C. Karthikheyan v. R. Arumugam, W.A. No. 2629 of 2018, dated 29.11.2018***, which upheld a Single Judge's order allowing a writ petition on the ground that when a qualified SC(A) candidate is available, appointment cannot be diverted to a more meritorious SC (non-Arunthathiyar) candidate.

7. The 3rd respondent adopted a neutral stance, stating that the appointment process was the responsibility of the aided college management. They confirmed that G.O.(Ms.)No.55 governs the internal reservation for SC(A) and that the appointment was approved after verifying compliance with norms.



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8. The 4th respondent college asserts that the selection was carried out by a duly constituted Staff Selection Committee comprising the Vice-Chancellor's nominee, subject experts, the Principal, HOD, and Management Committee President, in accordance with UGC norms. It contends that the writ petition is not maintainable due to non-joinder of the Selection Committee.

9. The college states that it obtained permission from the Director of Collegiate Education on 03.05.2017 to fill 12 teaching posts, including two Assistant Professors in Zoology. It followed the 200-point roster and internal reservation under G.O.(Ms.)No.55, dated 08.04.2010. Out of 14 eligible candidates, six appeared for interview on 21.06.2017. Among them, three SC(A) candidates were interviewed. The Committee unanimously selected the 5th respondent on the ground of overall merit, stating that no SC(A) candidate was found suitably qualified in terms of performance.



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10. Upon perusal of the records and the counter affidavits, it is evident that no minimum cut-off mark or objectively fixed benchmark was prescribed or disclosed in advance for the selection process. The evaluation was based solely on interview performance. The respondents' justification that the SC(A) candidates were unsuitable or underperformed is unsupported by any material demonstrating breach of a predetermined standard.

11. Such post-facto assertions cannot displace the statutory mandate under the Act and Government Orders. The scheme of reservation is not one of comparative merit but of structured representation. If an SC(A) candidate is otherwise qualified, i.e., possesses the requisite educational credentials and satisfies the UGC norms - then the candidate is entitled to appointment against the earmarked SC(A) slot. Relative performance metrics introduced during the interview stage cannot override this mandate.

12. The College's claim that no SC(A) candidate was suitably qualified in terms of performance does not pass legal muster. The real



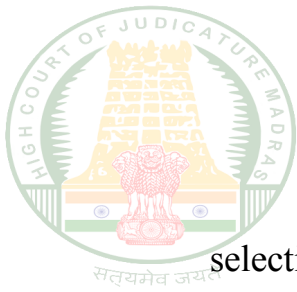
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question is whether an eligible SC(A) candidate was available. Once such a candidate is available, diversion of the post to another SC candidate violates the legislative intent of the internal reservation scheme. The appointment of the 5th respondent under the SC(A) quota, notwithstanding superior marks, is unsustainable.

13. While the petitioner relies on G.O.(Ms.)No.65 dated 27.05.2009, the college invokes G.O.(Ms.)No.55 dated 08.04.2010, which clarifies that a reserved post may be filled by other SC candidates only when no suitable SC(A) candidate is available. Here, the petitioner was available and qualified.

14. The College Committee approved the appointment on 01.07.2017, and the 5th respondent joined duty on 27.09.2017. Approval was granted by Madurai Kamaraj University and the Joint Director of Collegiate Education on 13.10.2017.

15. The college argues that the petitioner did not challenge the appointment order dated 13.10.2017 and that the petition is thus not maintainable. However, the core challenge is to the legality of the



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selection itself. Courts have held that when the selection process is under challenge for violating constitutional or statutory mandates, the non-challenge of a consequential appointment order is not fatal. The relief sought by the petitioner is sufficient to sustain the writ petition.

16. That the 5th respondent has continued in service since 2017 with administrative approvals does not cure the illegality in selection. Statutory compliance with reservation obligations cannot be defeated by the passage of time or regularisation.

17. The respondents rely on W.A.(MD) No. 2446 of 2024 dated 20.02.2025, where the SC(A) candidate had secured only 60 marks against a cut-off of 82.5. That decision turned on lack of minimum eligibility. In contrast, in the present case, the petitioner is not disqualified; he is merely deemed less meritorious. The distinction is significant and renders the cited case inapplicable.

18. Once an SC(A) candidate has been called for interview for a post reserved under the internal reservation policy, they are presumed to be eligible and suitable. Comparative merit becomes irrelevant. The



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appointment of a general SC candidate to an SC(A) slot, merely because of superior interview marks, violates the express statutory framework.

19. For the foregoing reasons, the selection of the 5th respondent to the post of Assistant Professor in Zoology under the SC(A) quota stands vitiated and is hereby quashed. Consequently, the 4th respondent College is directed to issue necessary orders appointing the petitioner to the said post, within a period of four (4) weeks from the date of receipt of a copy of this order. The 3rd respondent shall grant all consequential approvals and is also directed to follow up implementation of this direction without further delay. The writ petition is accordingly allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

25.07.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
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To

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Chennai – 9.
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4. The Correspondent,
Virudhunagar Hindu Nadar's
Senthikumara Nadar College,
Virudhunagar – 626 001,
Virudhunagar District.
5. Dr. N.Nagarajan,
Assistant Professor,
Virudhunagar Hindu Nadar's
Senthikumara Nadar College,
Virudhunagar – 626 001,
Virudhunagar District.



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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment made in
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