



W.A(MD)No.1567 of 2018

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.02.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A(MD)No.1567 of 2018**

**and**

**C.M.A(MD)Nos.11195 & 11196 of 2018**

Dr.M.Chandra Mohan

... Appellant /  
Petitioner

Vs.

- 1.The Secretary to Government,  
Higher Education Department,  
Government of Tamil Nadu,  
Fort St.George,  
Chennai – 600 009.
- 2.The Director of Collegiate Education,  
College Road,  
Chennai.
- 3.The Joint Director of Collegiate Education,  
Thanjavur.
- 4.The Bharathidasan University,  
Tiruchirapalli,  
Represented by its  
Registrar.



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5.The Correspondent / Secretary,  
A.Veeraiya Vandayar Memorial  
Sri Pushpam College (Autonomous),  
Poondi, Thanjavur.

6.Udhayakumar

7.The College Committee,  
A.Veeraiya Vandayar Memorial  
Sri Pushpam College (Autonomous),  
Poondi, Thanjavur,  
Represented by its  
Secretary.

8.Dr.M.Ramasamy

9.G.Pathy

10.Veeramani

11.Selvam

12.Vijayakumar

13.Selvakumar

14.Chandrasekar

15.D.Ramprasath

16.S.Praba

17.P.Rekha

18.S.Geethalakshmi

19.S.Jothiramalingam

20.G.Vishnuvasanthanaraj

21.S.K.Thiagarajan

22.Karpagasundari

23.G.Devendran

24.Nambirajan

25.Swaminathan

26.Tharageswari

... Respondents /  
Respondents

**Prayer:** Writ Appeal filed under Clause 15 of the Letters Patent Act to set aside the order passed in W.P(MD)No.22462 of 2018 dated 08.11.2018 and allow this appeal.



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For Appellant : Mr.S.K.Mani

For Respondents : Mr.T.Amjad Khan  
Government Advocate  
for R.1 to R.3

Mr.VR.Shanmuganathan  
for R.4

Mr.S.Venkatesan for R.5

Mr.Issac Mohanlal  
Senior Counsel  
for M/s.Issac Chambers for R.7

No Appearance for R.8 to R.13,  
R.16 to R.23, R.25 & R.26

### **JUDGMENT**

(Judgment of the Court was made by G.R.Swaminathan J.)

Dr.M.Chandra Mohan has filed this appeal challenging the dismissal of W.P(MD)No.22462 of 2018 filed by him. In the said writ petition, the appellant questioned the very validity of the recruitment notification dated 17.05.2017 issued by the Management of A.Veeraiya Vandayar Memorial Sri Pushpam College (Autonomous), Thanjavur. Vide the said notification, applications had been invited for filling up the permanent vacancies in the post of Assistant Professor. The recruitment notification reads as follows:



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**A.V.V.M. SRI PUSHPAM COLLEGE (AUTONOMOUS)**  
(Affiliated to Bharathidasan University)  
Poondi - 613 503, Thanjavur (D.T) Off : 04374 - 239523, Fax : 04374 - 239328  
E-mail : [awmspc@hotmail.com](mailto:awmspc@hotmail.com), [awmspc@livo.com](mailto:awmspc@livo.com) Website : [www.sripushpamcollege.com](http://www.sripushpamcollege.com)  
Dated : 17.05.2017

Applications are invited for the following vacancies of ASSISTANT PROFESSOR in the following Departments :

|                                                               |                                              |
|---------------------------------------------------------------|----------------------------------------------|
| History : GT-1, SC-1, SC (Ex-Service men)-1, SC (Arundhati)-1 | Chemistry : BC-1, GT-1, MBC (Tamil Medium)-1 |
| English : MBC-1                                               | Botany : MBC (Women) Tamil Medium -1         |
| Commerce : BC-1                                               | Zoology : MBC-1, GT (Tamil Medium)-1, BC-1   |
| Maths : GT-1, BC (Women) - 1, GT (Women)-1, GT (Women) - 1    | Computer Science : BC-1                      |
|                                                               | Physical Education : BC (Women) - 1          |

Qualification : PG with Ph.D., (or) PG with NET/SET Passed  
Salary : As per UGC Norms

**Last Date : 26.05.2017**

Secretary and Correspondent

2.The appellant was an aspirant for the post of Assistant Professor (Chemistry). In the notification, as many as 3 vacancies in the said post had been notified. It is seen that one vacancy arose as against BC category, one against general turn and one pertained to MBC (Tamil Medium). Since the appellant obviously could not have been an aspirant in respect of the vacancies reserved for BC and MBC, he can be said to be aggrieved only in respect of filling up of the post of Assistant Professor (Chemistry) arising against general turn. The appellant cannot impugn the notification in respect of other vacancies in the post of Assistant Professor.



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3.The learned counsel appearing for the appellant raised two contentions:

a) The college did not have a validly constituted college committee.

b) The selection had been made only by the management committee and that too comprising Thulasiah Vandayar alone.

4.The learned Government Advocate appearing for the department furnished proceedings dated 13.02.2017 granting approval for the appointment of Thulasiah Vandayar as Secretary for the period from 05.02.2017 to 04.02.2020. A mere look at the statutory scheme would show that there can be Secretary only for the college committee. The very fact that the appointment of Thulasiah Vandayar as Secretary was approved indicates that there was a validly constituted college committee.

5.As per Section 11 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 the college committee must comprise the following persons:

a) the Principal;

b) the senior-most Selection Grade Lecturer or Reader;



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c) one other Selection Grade Lecturer ; and

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d) the senior-most Superintendent :

However, as per Rule 8(3) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976 the committee shall consist of the following persons:

a) representatives of the educational agency, who shall be nominated by such educational agency:

b) Principal of the College;

c) Two senior-most Professors ;

d) One member nominated by the University concerned.

6.It is interesting to note that while the Act envisages inclusion of the senior most superintendent in the college committee, the Rules do not refer to him at all.

7.Be that as it may, in the case on hand, the committee that selected the candidates did comprise a representative of the educational agency, the Principal of the college, 2 senior most professors and also a member nominated by Bharathidasan University. We are therefore satisfied that there was a duly constituted college committee and that it was the said



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committee which made the selection. The fact that the committee had been described as “Managing Committee” will not make any difference.

A rose is a rose by whatever name it is called. Though it was called as a managing committee, in substance, it was only a college committee.

8. There is another major impediment for the petitioner to cross. The selection was completed in May 2017 itself. The writ petition was filed only in 30.08.2018. It is well settled that a candidate who participates in a selection process cannot subsequently question the validity of the selection process. The principle of estoppel squarely operates against the appellant. The Hon'ble Supreme Court in the decision reported in **1995 (3) SCC 486 (Madan Lal & Others Vs The State of Jammu & Kashmir & Others)** held as follows:

*“9. ... It is now well settled that if a candidate takes a calculated chance and appears at the interview then, only because the result of the interview is not palatable to him he cannot turn round and subsequently contend that the process of interview was unfair or Selection Committee was not properly constituted. In the case of Om Prakash Shukla v. Akhilesh Kumar Shukla and Ors., (AIR 1986 SC 1043), it has been clearly laid down by a Bench of three learned Judges of this Court*



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*that when the petitioner appeared at the examination without protest and when he found that he would not succeed in examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner.”*

9.The learned single Judge rightly non-suited the appellant and interference with the said order is not warranted. This Writ Appeal stands dismissed.

10.Even though we have dismissed the writ appeal, it has been brought to our notice that one S.K.Thiyagarajan, S/o.Kaliyamoorthy was appointed as Assistant Professor (Chemistry) under MBC category. The Tahsildar, Kumbakonam vide communication dated 23.03.2023 had informed the college management that Thiyagarajan's community certificate is not genuine. It is unfortunate that, even though this information was brought to the knowledge of the management in March 2023 itself, action to suspend him was taken only recently. It appears that there is also some management dispute. This consideration cannot come in the way of taking effective action.



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11.The Department shall satisfy itself as to whether Thiagarajan belongs to the MBC category. If it is found that he does not belong to the said category, immediate action shall be taken against him in accordance with law. Due process shall be followed. Thiagarajan shall be put on notice immediately.

12.With the aforesaid observations and directions to the department as well as the Management, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**[G.R.S., J.]      [R.K.M, J.]**  
**10.02.2026**

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

To

1.The Secretary to Government,  
Higher Education Department,  
Government of Tamil Nadu,  
Fort St.George,  
Chennai – 600 009.



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2.The Director of Collegiate Education,  
College Road,  
Chennai.

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Thanjavur.

4.The Registrar.  
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Tiruchirapalli.



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**G.R.SWAMINATHAN,J.**

**AND**

**R.KALAIMATHI, J.**

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