

(2006) 06 MAD CK 0248

In the Madras High Court

Case No : Writ Petition No's. 17005, 18495 and 24161 of 2001 and WPMP. No's. 25178 and 25180 of 2001

N. Manoharan

APPELLANT

Vs

Bharathiar University and N. Munusamy

RESPONDENT

Date of Decision : 27-06-2006

Acts Referred:

Citation : (2006) 06 MAD CK 0248

Hon'ble Judges : M. jaichandren, J

Bench : Single Bench

Advocate : C. Selvaraj for M.V. Muralidharan, for the Appellant; C. Chinnasamy for R1 and N.G.R. Prasad for R2, for the Respondent

Final Decision : Dismissed

Judgement

M. jaichandren, J.

Prayer in WP. No. 17005 of 2001

1. This Writ Petition has been filed praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the proceedings

pursuant to and culminating in the Notification No. Ref.6260/E3/2001, dated 28.06.2001 of the respondent and quash the same and issue a

direction to the respondent to call/select the petitioner for selection to the post of Public Relations Officer pursuant to the Notification No. Ref. No.

6260/E3/2001, dated 28.06.2001 of the respondent.

Prayer in WP. No. 18495 of 2001:

This Writ Petition has been filed praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the proceedings pursuant

to the Notification No. Ref.6260/E3/2001, dated 28.06.2001, for the selection of

Public Relations Officer and culminating in the Notification No.

Ref. No. E3/13854/2001, dated 17.09.2001, of the respondent and quash the same and issue a direction to the respondent to select the petitioner

for the post of Public Relations Officer.

Prayer in WP. No. 24161 of 2001:

This Writ Petition has been filed praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in its

proceedings No. 5835/E3/2001, dated 01.10.2001, and quash the same and issue a direction to the first respondent to call for and conduct the

selection process afresh for the post of Public Relations Officer in accordance with Govt.Letter. No. 12974/H1/2001-1 Higher Education

Department, dated 12.04.2001.

2. Heard the learned Counsel for the petitioner as well as the respondents.

3. It is the case of the petitioner that he had joined duty at the respondent University, on 16.04.1986, as Junior Assistant-cum-Typist. The

petitioner had passed master of arts degree with 51% , Diploma in Labour Law and Administrative Law which is recognised as Diploma for being

appointed as Welfare Officers by G.O.Ms. No. 1905, Labour Department, dated 06.09.1985, of the Government of Tamil Nadu, Bachelor of

Commerce (B.Com), Post Graduate Diploma in Journalism in Mass communication, Certificate in Book-keeping and Accountancy (National

Council for Vocational Trade, New Delhi). The petitioner had also completed nearly 16 years of service in the respondent university and he had

occupied the post of Junior assistant cum typist and subsequently promoted to the post of Assistant with effect from 16.04.1993 and upgraded to

the post of Superintendent (Deemed) with effect from 16.04.2000, re-designated as Assistant Section Officer with monetary benefit with effect

from 01.07.2001. While so, the respondent by way of a notification in reference No. 6260/E3/2001, dated 28.06.2001, advertised for the

recruitment of Public Relations Officer in the University, specifying the post as one post (General Turn) in the scale of Rs. 8,000-275-13,500/-,

and fixed the qualification essential as good academic record of Masters Degree with atleast 55% of marks (50% for SC&ST categories or its

equivalent grade). But for the UGC scale the desirable qualification fixed as post graduate Diploma in Human Resources Development or Distance

Education / Degree or Diploma in Public Relations or equivalent Diploma or recognised University /Institution and the age limit was also fixed as

40 years (45 years for SC &ST categories) and the petitioner had submitted an application for the post vide application No. 11042, dated

23.07.2001. The petitioner had reliably understood that the qualification fixed for Public Relations Officer is by a resolution of the University

Syndicate , dated 23.03.2001.

4. It is further stated by the petitioner that the prescription of the qualifications by the respondent and non-compliance of the directions of the

Government holding the field consequently lead to the issue of the advertisement calling for applications for the appointment of Public Relations

Officer contrary to the letter No. 12974/H1/2001 Higher Education Department, dated 12.04.2001, of the Government of Tamil Nadu which

specifically mandates that the existing incumbent should not be fastened with the minimum qualification mark of 55%, Whereas for another higher

post being Controller of Examinations the government direction has been followed. This is evidenced by the advertisement, dated 25.07.2001, for

the post of Controller of Examinations where the following note has been incorporated.

The minimum requirement of 55% shall not be insisted upon for the post for the existing incumbent who is already in the University system.

5. The petitioner had made several representations seeking for relaxation with reference to the educational qualifications of 55% and that his age

was also beyond which was specified, since he was 44 years of age. However, the petitioner came to understand on 14.09.2001, that call letters

for interview were sent to certain candidates. The petitioner and some of the candidates had been left out and the petitioner was not called for.

However, one Mr.Sounderraja Perumal, who had worked as a Section Officer in the Finance Section at the University was called for the

interview.

6. The petitioner further submits that he had requested for relaxation of the age limit with regard to the education qualifications as per the

Government directions in reference No. letter. No. 12974/H1/2001 Higher Education Department, dated 12.04.2001, of the Government of

Tamil Nadu, which should have been followed, since it was mandatory in nature.

7. On the contrary, it is submitted on behalf of the respondent University that the Syndicate of Bharathiar University in its meeting, dated

14.06.1986, had resolved to create the post of Public Relations Officer in the University, but no qualifications were prescribed in the said meeting

and therefore, the post was not filled up in the meeting of the Syndicate held on 30.10.2000, and it was decided to fill up the post by a regular

staff.

8. In the Syndicate meeting held on 30.10.2000, it was resolved that details of qualifications prescribed for the post of Public Relations Officer be

obtained from other Universities in Tamil Nadu and qualifications be prescribed for the post and brought to the Syndicate for consideration and

approval.

9. It is submitted that the Syndicate, in its meeting held on 23.03.2001, considered fixing of qualifications for the post of Public Relations Officer at

the University, based on the details received from other Universities, and prescribed the qualifications for the post of Public Relations Officer as

equivalent to that of Assistant Registrar. The qualifications for the post of Assistant Registrar was prescribed by the State Government vide G.O.

No. 56 (Higher Education Department), dated 25.02.2000, of the Govt. of Tamil Nadu. It was prescribed that the qualifications essential were

good academic record plus Master's Degree with atleast 55% of the marks or its equivalent grade of B in the UGC seven point scale. The said

qualification prescribed was also approved by the Finance Committee of the University in its meeting held on 13.03.2000. Later, the same was

approved by the Syndicate of the Bharathiar University in its meeting held on 28.03.2000.

10. In the mean while, by a letter No. 12974/H1/2000-2, dated 12.04.2001, the State Government had issued an amendment to the G.O. No. 56

(Higher Education Department), dated 25.02.2000, relaxing the qualifications prescribed for the post of Assistant Registrar. A relaxation of 5%

marks was provided for SC/ST categories and to the Ph.D holders who have passed the Master's Degree prior to 19th September, 1991.

11. It is stated that the said government letter was applicable only for teachers working in the Colleges/Universities and not for any non-teaching

employees. It is further stated that after fixing the qualifications for the post of

Public Relations Officer as equivalent to that of Assistant Registrar

and after deciding to fill up the post of Public Relations Officer by direct recruitment, the respondent University had given a notification in the

newspapers, calling for applications for the said post, specifying the qualifications as follows:

Good Academic record plus Master's Degree with at least 55% (50% for SC/ST) of the marks or its equivalent grade of B in the UGC seven

point scale.

Desirable:

Post Graduate Diploma in Human Resource Development or Distance Education/ Degree or Diploma in Public Relations or an equivalent diploma

of a recognised University/Institution.

Age should not exceed 40 years. (45 years for SC/ST).

12. It is further submitted by the respondent, that totally 67 applications were received, out of which seven were from the staff who were working

in the University in the lower cadres and 60 from outsiders. The petitioner was also one of the applicants and at the time of submitting his

application he had not challenged the prescribed qualifications. The petitioner could not be considered since he did not possess the minimum

required 55% marks of PG Degree Course. However, Mr.Sounderraja Perumal, who was working as superintendent in the respondent University

had been called for the interview since he had 56% marks in his Post Graduate Degree, even though he was over aged. The interview for the post

of Public Relations Officer was fixed on 18.09.2001, and interview call letters were sent on 10.09.2001 and the interview was held on

18.09.2001. The minutes of the Selection Committee was placed before the Syndicate in the meeting held on 21.09.2001 and it was resolved that

one Mr.Natchimuthu Munusamy be appointed as Public Relations Officer under the GT Category. The appointment order was issued vide

registrar's proceedings No. 5835/E-3/2001, dated 01.10.2001. The selected candidate one Mr.Natchimuthu Munusamy, had joined duty on the

forenoon of 20.12.2001, as Public Relations Officer in the University. He had been working as an Assistant Director (Information and Publicity) of

the Govt. of Union Territory of Pondichery. The Selection Committee, chaired by the Vice- Chancellor along with five experts, selected the

second respondent candidate for the post of Public Relations Officer in accordance with the rules and regulations applicable to such selection and there was no mala fides in the selection as alleged by the petitioner. The selection of the second respondent was purely on merit as he had possessed all the qualifications prescribed for the post of Public Relations Officer and therefore, the writ petition is liable to be dismissed as being without merits. Since all the three writ petitions are relating to the common issue of selection to the post of Public Relations Officer in the first respondent University, a common order has been passed.

13. On a perusal of the records made available, the affidavits filed in support of the writ petitions as well as the counter affidavits filed by the respondent University and on hearing the arguments adduced for both the petitioner as well as the respondents, this Court is of the considered view that the selection of the second respondent as Public Relations Officer of the first respondent University is fully justified since he possessed all the prescribed qualifications for the said post. On the other hand, the petitioner had not specified both the educational and the age qualifications.

With regard to the contentions raised by the petitioner, when the qualifications prescribed for the post of Public Relations Officer, the Controller of

Examinations had stated that the minimum requirement of 55% shall not be insisted upon in respect of the existing incumbent who are already in the

University system which according to the petitioner was contrary to the letter. No. No. 12974/H1/2001 Higher Education Department, dated

12.04.2001, of the Government of Tamil Nadu. With regard to this issue, the respondent has stated that the advertisement of the University, dated

28.06.2001, by which applications were called for by the University for the post of Controller of Examinations was issued based on the

qualifications prescribed by the University Grants Commission for the post of Registrar of the University. The post of Registrar is equivalent to the

Professor of the University Department. The State Government had not issued any order specifying the qualifications for the post of Registrar and

therefore, the qualifications prescribed by the University Grants Commission for the post of Registrar had been adopted by the University. Even as

per the University Grants Commission the post of Assistant Registrar is an entry level post whereas the post of Professor can be filled up by

promotion from the cadre of Readers. As per the University Grants Commission Guidelines, relaxation of 5% marks at P.G.Degree can be given

to the posts like Principals, Professors, Readers, Librarians, Deputy Librarians, Directors of Physical Education and Deputy Director of Physical

Education for the existing incumbents who are already in the University system and cannot be given for the posts for those entering the system from

outside and for those at the entry point of Lecturers , Assistant Registrars, Assistant Librarians, Assistant Director of Physical Education.

Therefore, the question of granting such relaxation cannot be applicable in the case of the petitioner.

In the above circumstances, the petitioner has not made out a case to get the relief as prayed for. Therefore, the writ petitions are dismissed as

being devoid of merits. Consequently, the connected WPMPs are closed. No Costs.