

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 31.03.2021

Delivered on : 30.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.24202 of 2017
and

WMP.No.25576 of 2017 and 9401 of 2018

1. Dr.R.Ramesh
2. Dr.S.Ramkumar
3. Dr.S.Kanakaraj

... Petitioners

Vs

1. The Registrar,
Bharathiar University,
Coimbatore – 641 046.
2. M.Gowthaman
Technical Officer,
Arignar Anna Central Library,
Bharathiar University,
Coimbatore – 641 046.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, call for the records of the first respondent in proceeding No.E2/Tech. Appoint/2007, dated 30.04.2007 appointing the second respondent as the Assistant Technical Officer (Library) and the consequent order of the first respondent promoting the second respondent into the Post of Technical Officer by order in Proceeding No.E6/27935/2017 vide dated

10.08.2017 and to quash the same has being illegal and unsustainable in law and for a consequential direction to the first respondent to remove the second respondent from the post who is completely ineligible for the said post based on the enquiry report dated 13.04.2017 which shows that the second respondent is completely ineligible for the post of Assistant Technical Officer (Library).

For Petitioners : M/s N.Kavitha Rameshwar

For R1 : Mr.Mukund

For R2 : Mr.P.Saravanan

ORDER

Every significant case has an unwritten legend and indelible lesson. The instant writ petition is no exception, whatever its result. The message that will be given by this Court at the end of this decision is that "appointment has to be made strictly as per statutory rules; and a person not possessing requisite qualification and appointment made *dehors* of the rules without following procedure, such appointment is illegal since inception, *non est*, nullity and no legal right to continue or right over the post and the length of continuous service of such illegal appointment will not help him in any manner [Refer: **Yogesh Kumar v Government of NCT Delhi and others (2003) 3 SCC 548**]".

2. Calling in question the appointment given to the second respondent as Assistant Technical Officer (Library) and his consequential promotion to the post of Technical Officer, the petitioners have come up with this writ petition. A mandamus has also been sought to the first respondent to consider the enquiry report dated 13.04.2017 and remove the second respondent from the post of Assistant Technical Officer (Library).

3. The succinctly stated facts are as under:

3.1 Initially, the second petitioner was appointed on 30.07.2001, the first and third petitioners were appointed on 30.04.2007 as Assistant Technical Officer (Library) in the services of the first respondent University. All the petitioners are fully qualified and they have all the requisite educational qualifications as stipulated under the statute of the Bharathiar University for appointment to the said post. Subsequently, they were promoted to the post of Technical Officer by the proceedings of the first respondent dated 10.02.2017, 19.05.2012 and 15.05.2017 respectively.

3.2 While so, the petitioners came to know that the second respondent, who was appointed as Assistant Technical Officer, by order dated 30.04.2007 like that of the second and third petitioners, did not

have the essential qualification for appointment to the said post. Hence, the first petitioner gave a representation dated 07.03.2017 to the first respondent with a request that the second respondent may be removed from service by quashing his order of appointment as he is completely ineligible for appointment to the post of Assistant Technical Officer (Library).

3.3 For appointment to the post of Assistant Technical Officer (Library), a person should possess a degree in any subject along with a degree in Library Science and also should have completed Typewriting Lower Grade in English and Tamil. Whereas, the second respondent did not possess the requisite qualification of having a degree in any subject nor did he possess a degree in Library Science at the time of his appointment to the said post, as evident from his order of appointment, which lays down a condition that *"He should complete B.Lib.Science Course within a period of one year. Otherwise his further increments will be stopped"*. It is also evident from the Minutes of the Meeting of the Syndicate of the first respondent held on 30.04.2007 that since there was no qualified candidate for the post of Assistant Technical Officer (Library) in the category of SC/ST vacancies, the University had considered the appointment of the second respondent, though he did not possess the essential qualification.

3.4 Based on the representation submitted by the first petitioner, enquiry was conducted and a report dated 13.04.2017 was filed by the Enquiry Committee of the University, which confirms the fact that even as of now, the second respondent is ineligible for the post of Assistant Technical Officer (Library), as he does not possess the essential qualifications for the same i.e., he does not have the qualification of either HSC (+2) or any degree much less in 10 +2 +3 pattern as required for appointment in any Government Institution.

3.5 On the basis of the Enquiry report, it was anticipated that the 2nd respondent would certainly be removed from service and his appointment as Assistant Technical Officer (Library) by order dated 30.04.2007 would be quashed. But, the second respondent has now been promoted as Technical Officer by order dated 10.08.2017 and the University is contemplating retrospective promotion to him as Technical Officer from the year 2012.

3.6 With the above background, this writ petition has been filed to quash these two orders passed by the first respondent and for consequential direction as stated supra.

4.A detailed counter affidavit has been filed on behalf of the second respondent, stating that the writ petition itself is not

maintainable on law as well as on facts. It is further averred that the second respondent was initially appointed as Office Assistant and after getting the approval of the first respondent, he possessed degree and diploma and hence, there is no illegality in his appointment and promotion. It is also averred that this writ petition has been filed with ulterior motive.

5.The learned counsel for the petitioners has submitted that a totally unqualified person i.e., the 2nd respondent was appointed as Assistant Technical Officer (Library) way back in 2007 in the University; though his appointment has never been approved by the Syndicate of the Bharathiyar University, not only he was allowed to continue in service, but also he was promoted as Technical Officer (Library) on 10.08.2017. It is also submitted that as per the Minutes of the Syndicate Meeting of the University dated 31.07.2013, the University has resolved that the second respondent's request for promotion to the post of Technical Officer (Library) may be considered only after submission of original certificates for the required educational qualifications to the said post; and this by itself would go to show that the second respondent is not qualified either for the original post of Assistant Technical Officer (Library) nor for the

promotional post of Technical Officer (Library). Adding further, the learned counsel submitted that it is rather unfortunate that appointments of unqualified candidates are made in the State Universities and the same are continued upto retirement/superannuation; and such wrongful appointments which are illegal in nature, have the chilling effect of denying the legitimate chance of public appointments to deserving and qualified candidates, thereby resulting in violation of the fundamental guarantee of equality of opportunity in public employment as envisaged under Article 16 of Constitution of India. Thus, the learned counsel prayed to allow this writ petition by quashing the orders passed by the first respondent and directing them to remove the second respondent from the post.

6.Repudiating the averments made by the petitioners, the learned standing counsel for the first respondent and the learned counsel for the second respondent have made their arguments in line with the contents found in the counter affidavit filed by the second respondent.

7.This Court has given its anxious consideration to the contentions raised on either side and carefully perused the materials

available on record.

8. Here is the case, wherein, without acquiring the requisite qualification for the post of Assistant Technical Officer (Library), the second respondent was appointed in the first respondent University, as evident from his appointment order itself. The counter affidavit filed by the second respondent has no information, but it only states that there is no illegality in the appointment of the second respondent and the same lacks material particulars. Further, it is evident from the Minutes of Syndicate Meeting of the University dated 31.07.2013 that the University has resolved that the second respondent's request for promotion to the post of Technical Officer (Library) may be considered only after submission of original certificates for the required educational qualifications for the post. But the same has also not been followed by the first respondent University. It is also to be pointed out that based on the petition submitted by the second respondent, enquiry was conducted and a report dated 13.04.2017 was filed by the Enquiry Committee, wherein, it is stated that as per the G.O.No.107 dated 10.08.2009, when a candidate has completed 10th standard and plus two and after that, he has completed his degree in open University alone, are eligible for appointment or promotion, whereas

the service register of the second respondent would not reveal the mode of study like Open University, Distance Education or Regular, to verify his qualifications, for which, he was asked to produce the degree certificates, mark statements and transfer certificates of the courses, but the second respondent did not produce the relevant certificates, so as to substantiate his claim that he possesses the required qualification. Without considering the same and in the absence of the required qualifications, the first respondent University has given promotion to the second respondent to the post of Technical Officer (Library). This sort of practice on the part of the respondent authorities, is highly condemnable, which not only paves way for illegal appointment, but also denying opportunities to qualified and meritorious candidates. It is also seen that the second respondent got retired from service and thus, the illegality continued till his retirement.

9.Be it noted, the eligibility or qualifications including age, educational qualification, experience, etc are clearly specified in the notification inviting applications based on the applicable rules/regulations. The qualifications prescribed are mandatory and satisfaction of the same goes to the root of appointment. No discretion

arises in public appointments which have to satisfy the requirements under Articles 14 and 16 of the Constitution of India. The facts of the case as discussed above would clearly establish that the 2nd respondent was not qualified or eligible to be appointed to the post of Assistant Technical Officer (Library) even initially. It is not new for this Court to hear disputes regarding appointment of ineligible candidates at the whims and fancies of the Selection Committee, more particularly in Universities. The appointment of such candidates not only deprives the opportunity of eligible and qualified candidates but also is a mockery of the system whereby, equal opportunity, fairness, transparency and rule of law in public employment are forgotten, but arbitrariness and corruption creep in.

10. In this context, it is relevant to refer to the observations of the Supreme Court in the following judgments, the relevant passage of which are usefully extracted:

(a) *State of Karnataka v. Umadevi* [(2006) 4 SCC 1 : 2006 SCC (L&S) 753]:

"2. Public employment in a sovereign socialist secular democratic republic, has to be as set down by the Constitution and the laws made thereunder. Our constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark, and the Constitution has

provided also for affirmative action to ensure that unequals are not treated as equals. Thus, any public employment has to be in terms of the constitutional scheme”.....

6.The power of a State as an employer is more limited than that of a private employer inasmuch as it is subjected to constitutional limitations and cannot be exercised arbitrarily (see *Basu's Shorter Constitution of India*). Article 309 of the Constitution gives the Government the power to frame rules for the purpose of laying down the conditions of service and recruitment of persons to be appointed to public services and posts in connection with the affairs of the Union or any of the States. That article contemplates the drawing up of a procedure and rules to regulate the recruitment and regulate the service conditions of appointees appointed to public posts. It is well acknowledged that because of this, the entire process of recruitment for services is controlled by detailed procedures which specify the necessary qualifications, the mode of appointment, etc. If rules have been made under Article 309 of the Constitution, then the Government can make appointments only in accordance with the rules. The State is meant to be a model employer. The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 was enacted to ensure equal opportunity for employment seekers. Though this Act may not oblige an employer to employ only those persons who have been sponsored by employment exchanges, it places an obligation on the employer to notify the vacancies that may arise in the various departments and for filling up of those vacancies, based on a procedure. Normally, statutory rules are framed under the authority of law governing employment. It is recognised that no government order, notification or circular can be substituted for the statutory rules framed under the authority of law. This is because, following any other course could be disastrous inasmuch as it will deprive the security of tenure and the right of equality conferred on civil servants under the constitutional

scheme. It may even amount to negating the accepted service jurisprudence. Therefore, when statutory rules are framed under Article 309 of the Constitution which are exhaustive, the only fair means to adopt is to make appointments based on the rules so framed.

11.In addition to the equality clause represented by Article 14 of the Constitution, Article 16 has specifically provided for equality of opportunity in matters of public employment. Buttressing these fundamental rights, Article 309 provides that subject to the provisions of the Constitution, Acts of the legislature may regulate the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of a State. In view of the interpretation placed on Article 12 of the Constitution by this Court, obviously, these principles also govern the instrumentalities that come within the purview of Article 12 of the Constitution. With a view to make the procedure for selection fair, the Constitution by Article 315 has also created a Public Service Commission for the Union and the Public Service Commissions for the States. Article 320 deals with the functions of the Public Service Commissions and mandates consultation with the Commission on all matters relating to methods of recruitment to civil services and for civil posts and other related matters. As a part of the affirmative action recognised by Article 16 of the Constitution, Article 335 provides for special consideration in the matter of claims of the members of the Scheduled Castes and Scheduled Tribes for employment. The States have made Acts, rules or regulations for implementing the above constitutional guarantees and any recruitment to the service in the State or in the Union is governed by such Acts, rules and regulations. The Constitution does not envisage any employment outside this constitutional scheme and without following the requirements set down therein.

13.What is sought to be pitted against this approach, is the so-called equity arising out of giving of temporary employment or engagement on daily wages and the continuance of such persons in the engaged work for a

certain length of time. Such considerations can have only a limited role to play, when every qualified citizen has a right to apply for appointment, the adoption of the concept of rule of law and the scheme of the Constitution for appointment to posts. It cannot also be forgotten that it is not the role of the courts to ignore, encourage or approve appointments made or engagements given outside the constitutional scheme. In effect, orders based on such sentiments or approach would result in perpetuating illegalities and in the jettisoning of the scheme of public employment adopted by us while adopting the Constitution. The approving of such acts also results in depriving many of their opportunity to compete for public employment. We have, therefore, to consider the question objectively and based on the constitutional and statutory provisions. In this context, we have also to bear in mind the exposition of law by a Constitution Bench in *State of Punjab v. Jagdip Singh* [(1964) 4 SCR 964 : AIR 1964 SC 521]. It was held therein: (SCR pp. 971-72)

"In our opinion where a government servant has no right to a post or to a particular status, though an authority under the Government acting beyond its competence had purported to give that person a status which it was not entitled to give he will not in law be deemed to have been validly appointed to the post or given the particular status."

34.In *A. Umarani v. Registrar, Coop. Societies* [(2004) 7 SCC 112 : 2004 SCC (L&S) 918] a three-Judge Bench made a survey of the authorities and held that when appointments were made in contravention of mandatory provisions of the Act and statutory rules framed thereunder and by ignoring essential qualifications, the appointments would be illegal and cannot be regularised by the State. The State could not invoke its power under Article 162 of the Constitution to regularise such appointments. This Court also held that regularisation is not and cannot be a mode of

recruitment by any State within the meaning of Article 12 of the Constitution or any body or authority governed by a statutory Act or the rules framed thereunder. Regularisation furthermore cannot give permanence to an employee whose services are ad hoc in nature. It was also held that the fact that some persons had been working for a long time would not mean that they had acquired a right for regularisation.

35.Incidentally, the Bench also referred to the nature of the orders to be passed in exercise of this Court's jurisdiction under Article 142 of the Constitution. This Court stated that jurisdiction under Article 142 of the Constitution could not be exercised on misplaced sympathy. This Court quoted with approval the observations of Farwell, L.J. in *Latham v. Richard Johnson & Nephew Ltd.* [(1913) 1 KB 398 : (1911-13) All ER Rep 117 : 108 LT 4 (CA)] : (All ER p. 123 E)

"We must be [very] careful not to allow our sympathy with the infant plaintiff to affect our judgment. Sentiment is a dangerous will o' the wisp to take as a guide in the search for legal principles."

38.In *Union Public Service Commission v. Girish Jayanti Lal Vaghela* [(2006) 2 SCC 482 : 2006 SCC (L&S) 339 : (2006) 2 Scale 115] this Court answered the question, who was a government servant and stated: (SCC p. 490, para 12)

"12. Article 16 which finds place in Part III of the Constitution relating to fundamental rights provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. The main object of Article 16 is to create a constitutional right to equality of opportunity and employment in public offices. The words 'employment' or 'appointment' cover not merely the initial appointment but also other attributes of service like promotion

and age of superannuation, etc. The appointment to any post under the State can only be made after a proper advertisement has been made inviting applications from eligible candidates and holding of selection by a body of experts or a specially constituted committee whose members are fair and impartial through a written examination or interview or some other rational criteria for judging the inter se merit of candidates who have applied in response to the advertisement made. A regular appointment to a post under the State or Union cannot be made without issuing advertisement in the prescribed manner which may in some cases include inviting applications from the employment exchange where eligible candidates get their names registered. Any regular appointment made on a post under the State or Union without issuing advertisement inviting applications from eligible candidates and without holding a proper selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under Article 16 of the Constitution (see *B.S. Minhas v. Indian Statistical Institute* [(1983) 4 SCC 582 : 1984 SCC (L&S) 26 : AIR 1984 SC 363])."

41.In the earlier decision in *Indra Sawhney v. Union of India* [1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385 : 1992 Supp (2) SCR 454] B.P. Jeevan Reddy, J. speaking for the majority, while acknowledging that equality and equal opportunity is a basic feature of our Constitution, has explained the exultant (*sic.* exalted) position of Articles 14 and 16 of the Constitution in the scheme of things. His Lordship stated: (SCC pp. 633-34, paras 644-45)

"644[6]. The significance attached by the

Founding Fathers to the right to equality is evident not only from the fact that they employed both the expressions 'equality before the law' and 'equal protection of the laws' in Article 14 but proceeded further to state the same rule in positive and affirmative terms in Articles 15 to 18.

...

645[7]. Inasmuch as public employment always gave a certain status and power—it has always been the repository of State power—besides the means of livelihood, special care was taken to declare equality of opportunity in the matter of public employment by Article 16. Clause (1) expressly declares that in the matter of public employment or appointment to any office under the State, citizens of this country shall have equal opportunity while clause (2) declares that no citizen shall be discriminated in the said matter on the grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them. At the same time, care was taken to declare in clause (4) that nothing in the said article shall prevent the State from making any provision for reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the State is not adequately represented in the services under the State." (See paras 6 and 7 in SCR pp. 544 and 545.)

These binding decisions are clear imperatives that adherence to Articles 14 and 16 of the Constitution is a must in the process of public employment."

(b) *State of Karnataka v. M.L. Kesari*, [(2010) 9 SCC 247 : (2010) 2 SCC (L&S) 826]:

"7.It is evident from the above that there is an exception to the general principles against

"regularisation" enunciated in *Umadevi case* [(2006) 4 SCC 1], if the following conditions are fulfilled:

(i) The employee concerned should have worked for 10 years or more in duly sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.

(ii) The appointment of such employee should not be illegal, even if irregular. Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointments will be considered to be illegal. But where the person employed possessed the prescribed qualifications and was working against sanctioned posts, but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular."

(c) *State of Bihar v. Kirti Narayan Prasad*, [(2019) 13 SCC 250 : (2020) 1 SCC (L&S) 412 : 2018 SCC OnLine SC 2615]:

"15. In *State of Orissa v. Mamata Mohanty* (2011) 3 SCC 436 : (2011) 2 SCC (L&S) 83], this Court has held that once an order of appointment itself had been bad at the time of initial appointment, it cannot be sanctified at a later stage. It was held thus: (SCC p. 461, para 68)

"68.(i) The procedure prescribed under the 1974 Rules has not been followed in all the cases while making the appointment of the respondents/teachers at initial stage. Some of the persons had admittedly been appointed merely by putting some note on the noticeboard of the College. Some of these teachers did not face the interview test before the Selection Board. Once an order of

appointment itself had been bad at the time of initial appointment, it cannot be sanctified at a later stage."

(emphasis supplied)

16.In the instant cases, the writ petitioners have filed the petitions before the High Court with a specific prayer to regularise their service and to set aside the order of termination of their services. They have also challenged the report submitted by the State Committee. The real controversy is whether the writ petitioners were legally and validly appointed. The finding of the State Committee is that many writ petitioners had secured appointment by producing fake or forged appointment letter or had been inducted in government service surreptitiously by the Civil Surgeon-cum-Chief Medical Officer concerned by issuing a posting order. The writ petitioners are the beneficiaries of illegal orders made by the Civil Surgeon-cum-Chief Medical Officer. They were given notice to establish the genuineness of their appointment and to show-cause. None of them could establish the genuineness or legality of their appointment before the State Committee. The State Committee on appreciation of the materials on record has opined that their appointment was illegal and void ab initio. We do not find any ground to disagree with the finding of the State Committee. In the circumstances, the question of regularisation of their services by invoking para 53 of the judgment in *State of Karnataka v. Umadevi*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753 does not arise. Since the appointment of the petitioners is ab initio void, they cannot be said to be the civil servants of the State. Therefore, holding disciplinary proceedings envisaged by Article 311 of the Constitution or under any other disciplinary rules shall not arise."

From the above extract, it is crystal clear that in the matter of public employment, the mandate of the constitutional scheme is to be

adhered to and failure of the same would render the appointment *void ab initio*. It is also clear that the failure to possess the necessary qualifications would render the appointment as illegal and such illegal appointment can neither be ratified nor regularised. The constitutional mandate is not only applicable to the State but also instrumental, which obviously would bring within the ambit of the Universities and Aided institutions.

11. In the case at hand, this Court after analysing the materials, has already come to a conclusion that the 2nd respondent, being unqualified was not entitled to be appointed. His appointment has deprived the opportunity to other eligible candidate. In furtherance to illegality, he has not only enjoyed the fruits of his illegal appointment but also all benefits attached until and post retirement. Though it is contended that the issue has become infructuous on the superannuation of the second respondent, this Court does not think so, because any illegality cannot be given a seal of authenticity just due to lapse of time. Further, such illegalities cannot be perpetuated as it would encourage corrupt and scrupulous appointments against law with no fear of judicial intervention. The fruits of public employment, which includes not only social security, respect from society and monetary benefits throughout the tenure of employments, but also is

extended post retirement until the period of his or her retirement. Hence, the appointments in public employment, more particularly in Universities and Educational institutions have become a matter of public and judicial scrutiny.

12.It is settled law that salary or benefit paid to an employee whose appointment or promotion is later found to be ineligible, need not be recovered. There is also an exemption to the above settled position, whereby when such appointment is secured without eligibility, by fraudulent and dishonest means. Unfortunately, in this case, the illegal appointment was not cancelled and the second respondent was allowed to retire. Having found his appointment to be illegal, this Court is of the view that the second respondent cannot be permitted to enjoy the fruits of such illegal appointment in the form of future benefits any further. Though the appointment of the second respondent has been under challenge, the first respondent University has turned its deaf ears and allowed the illegality to continue. Knowing fully well that he did not possess the required qualification and experience, the second respondent secured the said post and enjoyed the benefits. Therefore, culpability is to be fixed on the person liable to recruit candidates and whenever illegal appointments are made, immediate action must be taken not only to stop the continuance of the service of appointees,

but also against the persons who were responsible for such selection. At times, the candidate would have knowingly furnished false information to secure employment and in such cases, the appointment must be annulled at the earliest. Thus, having regard to the given facts and circumstances of the case, terming the appointment of the second respondent as illegal, this Court considers it necessary to issue the following directions to the first respondent, which are also applicable to all the Universities:

- a. The appointments to any post in the University being a public employment, must satisfy the constitutional mandate in all the aspects of equal opportunity, fairness and transparency,
- b. The list of candidates, their eligibility, qualification, age, experience must be displayed well in advance before interview not only in the notice board of the University but also in the website of the University/institution,
- c. When an eligibility of any candidate is questioned, enquiry must be conducted by following the due process of law and a decision must be taken and communicated within 3 months to all the persons concerned,
- d. Interview of all the candidates must be videographed and the copy of such video must be made available to the candidates if they require upon payment of reasonable cost,
- e. In cases, where any candidate whose appointment is found to be illegal, such appointment is to be revoked at the

earliest point of time and the salary paid to such appointee must be recovered from the members of the selection committee of the university and appropriate action under law is also to be taken against them,

f. If in case, the candidate has furnished false information or fake documents to secure employment, after termination, the salary and other benefits have to be recovered from the candidate and not as indicated in (e) above, if such production is not within the knowledge of the selection committee,

g. In cases, where appointments are made by following the rule of reservation and if later, it is found that the appointee by conversion to another religion either before the appointment or thereafter, has secured the job or continues, as if he/she belongs to religion under which such appointment by reservation is obtained, the appointee will forgo the right to such appointment under the respective quota or to continue in the post and the service of such employee must be terminated,

h. As regards the case of the second respondent in this writ petition, the payment of pension shall be computed to the post of Assistant Technical Officer (Library), for which he is actually eligible and pay the same to him. The excess amount paid be recovered from him. The second respondent shall not be eligible for any future increments in the post of Technical Officer (Library),

i. The second respondent herein shall not be entitled to his experience as Library Officer to take future appointments

as his very appointment itself is found to be illegal and *void ab initio*.

j. The first respondent University shall proceed against the Members in the selection committee, who caused the illegal appointment of the second respondent to the said post against the norms of the University.

13. With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

14. Post this writ petition for reporting compliance, after six weeks.

30.04.2021

Index : Yes/No
Internet : Yes/No

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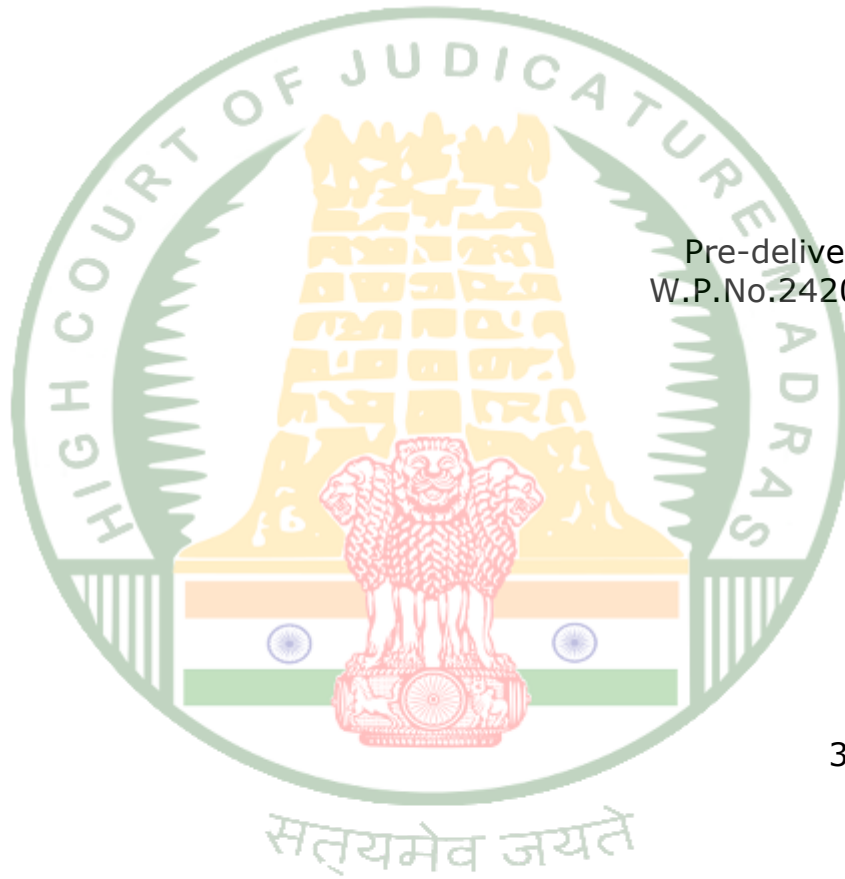
To

1. The Registrar,
Bharathiar University,
Coimbatore – 641 046.

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R.MAHADEVAN, J.

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Pre-delivery order in
W.P.No.24202 of 2017

30.04.2021

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