

**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). 9030 - 9031 OF 2014**

**A. PARVATHY**

**APPELLANT(S)**

**VERSUS**

**BHARATHIAR UNIVERSITY & ANR.**

**RESPONDENT(S)**

**ORDER**

The present appeals are directed against the judgment of the Division Bench of the High Court of Madras dated 30.10.2009 in Writ Appeal Nos. 1488 of 2009 & 1502 of 2009, while affirming order of the learned Single Judge granted liberty to respondent no.1- University to initiate the process of selection by issuance of a fresh advertisement taking into consideration the relevant conditions of eligibility as prescribed under the statute in accordance with law.

The facts in brief relevant for the purpose are that an advertisement came to be published by the respondent no. 1 inviting applications for the post of Assistant Technical Officer (Library) dated 08.09.2008. It reveals from the advertisement that except the post and qualifications annexed there to, no procedure was

prescribed/made known to the public as to what is the procedure to be followed in holding selection for the post in question.

It is informed to this Court that there is no rule/regulation that prescribe the procedure which the University has to follow while making open selection of the post of Assistant Technical Officer (Library) came to be notified by advertisement dated 08.09.2008. In pursuance to the advertisement applicants who were intending themselves to be eligible submitted their applications which came to be scrutinized by the respondent no.1-University and holding the respondent no. 2 to be eligible she was offered appointment by an order dated 28.01.2009 and the present appellant was held ineligible and that became the subject matter of challenge at the instance of the present appellant before the High Court in a Writ Petition under Article 226 of the Constitution and after the matter finally travelled to the Division Bench of the High Court, it has been held that the respondent no. 2 was not eligible to the post in question, as a consequence her appointment was not valid and while setting aside the appointment of respondent no. 2, looking to the time period being consumed in the process, the Division Bench was of the view that it may be appropriate and in the fitness of things to grant liberty to the University to issue a fresh advertisement and make selection in

compliance of the qualifications prescribed under the statute and in terms of the Notification under the judgment impugned dated 30.10.2009.

While the present appellant approached this Court by filing of the instant appeal, by order dated 19.07.2010 while calling upon the respondent this Court restrained the respondent no.1 in taking any steps to issue any fresh advertisement for selection to the post in question and because of the interim order passed by this Court dated 19.07.2010, respondent no.1 restrained from taking steps in holding the selection process afresh for the post in question if they are intending to fill the vacancy.

After we have heard the learned Counsel for the parties and taking into consideration the material on record, we are of the view that the process adopted by the respondent no.1 in filling the vacancies of Assistant Technical Officer (Library) pursuant to advertisement dated 08.09.2008 in itself was defective and not in conformity with the mandate of Article 14 of the Constitution, as such the procedure of selection adopted by the respondent cannot be approved by this Court.

In the given facts and circumstances, only option left is to grant liberty to the respondent no.1 to issue a fresh advertisement, if so

advised, this is what the Division Bench has observed in its judgment dated 30.10.2009

We find no reason to interfere in the judgment impugned, at the same time consider it appropriate to observe that if the respondent no.1 takes a decision to issue a fresh advertisement to fill the post of Assistant Technical Officer (Library)/Librarian, an opportunity may be afforded to the appellant and respondent no.2 to participate, provided they are otherwise eligible and age may not come as a bar for their participation in the selection process.

With these observations, the appeals stand disposed of.

Pending application(s), if any, shall stand disposed of.

.....**J.**  
**(AJAY RASTOGI)**

.....**J.**  
**(ANIRUDDHA BOSE)**

**NEW DELHI**  
**JULY 19, 2022.**

ITEM NO.104

COURT NO.12

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(S). 9030-9031/2014

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BHARATHIAR UNIVERSITY &amp; ANR.

RESPONDENT(S)

(NAME OF MR. JOSEPH P. ARISTOTLE, LEARNED STANDING COUNSEL FOR THE STATE OF TAMIL NADU BE SHOWN IN THE CAUSE LIST OF 21.4.2022 VIDE HON'BLE COURT ORDER DATED 20.1.2022. )

Date : 19-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Appellant(s) Mr. Neeraj Kumar Jain, Sr. Adv.  
Ms. Manjeet Chawla, AOR

For Respondent(s)  
Mr. R. Gopalakrishnan, AOR  
Mr. V. Krishnamurthy, Sr. Adv./AAG  
Dr. Joseph Aristotle S., AoR.  
Mr. Nupur Sharma, Adv.  
Mr. Shobhit Dwivedi, Adv.  
Mr. Sanjeev Kumar Mahara, Adv.  
Ms. Richa Vishwakarma, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Appeals are disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)

(Signed order is placed on the file.)