

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4933 OF 2022
(Arising out of SLP (C) No. 21991 of 2016)

VICE CHANCELLOR, INDIAN MARITIME UNIVERSITY & ANR.Appellant(s)

VERSUS

M.S. RAVI SHARMA & ANR.

Respondent(s)

O R D E R

1. Leave granted.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 15.03.2016 passed by the High Court of Judicature at Madras passed in Writ Appeal No. 593/2015, by which the Division Bench of the High Court has dismissed the said appeal preferred by the appellant-Indian Maritime University ('University' for short) and has confirmed the judgment and order passed by the learned Single Judge, quashing and setting aside the order passed by the University withdrawing the appointment order of respondent No.1- herein, the University has preferred the present Appeal.
3. We have heard the learned counsel appearing for the respective parties at length.
4. It is brought to the notice of this Court that, during the pendency of the proceedings, respondent No.1 has been working elsewhere and, therefore, he is gainfully employed and today also he is serving elsewhere.

5. In that view of the matter, there is no question of now reinstating the respondent no.1 as Associate Professor. Accordingly, the present appeal stands disposed of by further directing that the impugned judgment and order passed by the High Court is not to be given effect to, meaning thereby, the respondent is not to be reinstated in the appellant-University, pursuant to the orders passed by the High Court. However, it is observed that withdrawal of the appointment order of respondent No.1 may not be treated as stigmatic.

With this, the present appeal stands disposed of.

..... J.
(M.R. SHAH)

..... J.
(B.V. NAGARATHNA)

New Delhi;
July 26, 2022.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4927 OF 2022
(Arising out of SLP (C) No. 22169 of 2016)

VICE CHANCELLOR, INDIAN MARITIME UNIVERSITY & ANR. Appellant(s)

VERSUS

S. VASUDEVAN

Respondent(s)

O R D E R

1. Leave granted.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 15.03.2016 passed by the High Court of Judicature at Madras passed in Writ Appeal No. 597 of 2015, by which the Division Bench of the High Court has dismissed the said appeal preferred by the appellant-Indian Maritime University ('University' for short) and has confirmed the judgment and order passed by the learned Single Judge, quashing and setting aside the order passed by the University terminating the respondent -herein, the University has preferred the present Appeal.
3. Having heard learned counsel appearing for the respective parties and considering the fact that, during the pendency of the litigation, the respondent has been employed in another establishment and even it is reported that, as on today, the respondent would be on the verge of superannuation, no fruitful purpose will be served in considering the appeal on merits.

4. Under the circumstances, the appeal stands disposed of and the impugned judgment and order passed by the High Court to be not given effect to and the respondent shall not be reinstated in service. However, it is observed that his termination be not treated as stigmatic.

With this, the present appeal stands disposed of.

..... J.
(M.R. SHAH)

..... J.
(B.V. NAGARATHNA)

New Delhi;
July 26, 2022.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4928 OF 2022
(Arising out of SLP (C) No. 22163 of 2016)

VICE CHANCELLOR, INDIAN MARITIME UNIVERSITY & ANR. Appellant(s)

VERSUS

PROF. (DR.) R. ANITHA RAO & ANR.

Respondent(s)

O R D E R

1. Leave granted.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 15.03.2016 passed by the High Court of Judicature at Madras in Writ Appeal No. 596 of 2015, by which the Division Bench of the High Court has dismissed the said appeal preferred by the appellant-Indian Maritime University ('University' for short) and has confirmed the judgment and order passed by the learned Single Judge, quashing and setting aside the order passed by the University withdrawing the appointment order of respondent No.1- herein, the University has preferred the present Appeal.
3. Apart from the fact that it was a case of withdrawal of the appointment order within the joining period of one month, it is reported that respondent No.1 has already attained the age of superannuation and therefore there is no question of any reinstatement of the respondent at present. It is reported that even during the *interregnum* period, she might have been employed elsewhere.

4. In that view of the matter, we dispose of the present appeal by observing that respondent No.1 shall not be reinstated, pursuant to the order passed by learned Single Judge confirmed by the Division Bench. However, it is observed that the withdrawal of the appointment order of respondent No.1 may not be treated as stigmatic.

With this, the present appeal stands disposed of.

..... J.
(M.R. SHAH)

..... J.
(B.V. NAGARATHNA)

New Delhi;
July 26, 2022.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4929 OF 2022
(Arising out of SLP (C) No. 22156 of 2016)

THE REGISTRAR, INDIAN MARITIME UNIVERSITY & ANR. Appellant(s)

VERSUS

JEYAN P.A. & ANR.

Respondent(s)

O R D E R

1. Leave granted.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 15.03.2016 passed by the High Court of Judicature at Madras passed in Writ Appeal No. 592/2015, by which the Division of the High Court has dismissed the said appeal preferred by the appellant-Indian Maritime University ('University' for short) and has confirmed the judgment and order passed by the learned Single Judge quashing and setting aside the order passed by the University cancelling the appointment of Respondent No.1, the University has preferred the present Appeal.
3. Learned counsel appearing on behalf of the appellant has vehemently submitted that apart from the fact that procedural irregularities were found in the recruitment by two Committees, even respondent No.1 was not having the requisite qualification required for the post in question, namely, the Assistant Professor in Maritime Management. It is submitted that, as per the advertisement, the requisite qualification for the post of Assistant Professor in Maritime Management was Post Graduation in Maritime Law. It is submitted that, however, the actual

qualification of respondent No.1 is/was PG in Politics, M.Phil in Politics, PhD in Political Science and Social Science, which cannot be said to be equivalent to Post Graduation in Maritime Law. It is submitted that therefore, also the appointment of respondent No.1 was illegal.

4. Learned counsel appearing on behalf of Respondent No.1 has vehemently submitted that, on the aforesaid, no opportunity has been given to the respondent to show cause why his appointment may not be cancelled on the ground that respondent No.1 is/was not having the requisite qualification which was required for the post in question.

5. Having heard learned counsel appearing on behalf of the respective parties and considering the impugned judgment and order passed by the High Court, we dispose of the present Appeal by reserving the liberty in favour of the appellant-University to issue show cause notice upon respondent No.1 calling upon him to show cause why his appointment may not be cancelled on the ground that he was not having the requisite qualification for the post in question which was required as per the advertisement. Thereafter, appropriate order may be passed in accordance with law and on merits after affording an opportunity to the respondent.

With this, the present appeal stands disposed of.

..... J.
(M.R. SHAH)

..... J.
(B.V. NAGARATHNA)

New Delhi;
July 26, 2022.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4930 OF 2022
(Arising out of SLP (C) No. 23466 of 2016)

INDIAN MARITIME UNIVERSITY & ANR. Appellant(s)

VERSUS

J. VANI SHREE & ANR. Respondent(s)

O R D E R

1. Leave granted.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 15.03.2016 passed by the High Court of Judicature at Madras passed in Writ Appeal No. 594/2015, by which the Division Bench of the High Court has dismissed the said appeal preferred by the appellant-Indian Maritime University ('University' for short) and has confirmed the judgment and order passed by the learned Single Judge quashing and setting aside the order passed by the University withdrawing the appointment/appointment order of Respondent No.1, the University has preferred the present Appeal.
3. Though served, none appears on behalf of the respondents.
4. Learned counsel appearing on behalf of the appellant has vehemently submitted that, even otherwise, respondent No.1 was not having the requisite qualification which was required for the post in question, namely, the Assistant Professor in Maritime Management. It is submitted that, as per the advertisement for the post in question, the requisite qualification required was Post Graduation in Maritime Management or in a related subject. It is submitted that, however, respondent No.1 was having the

qualification of MA Public Administration on Development Studies, Doctorate in Gender Development, which cannot be said to be Post Graduation in Maritime Management or in a related subject. It is submitted that therefore the withdrawal of the appointment may not be set aside and/or interfered with.

5. Having heard learned counsel appearing on behalf of the appellant and in the facts and circumstances of the case and as having found that, at the relevant time, respondent No.1 was not having the requisite qualification which was required as per the advertisement for the post in question and though it was pointed out before the Division Bench, the same has not been considered by the Division Bench, the impugned judgment and order passed by the High Court is unsustainable and the same deserves to be quashed and set aside.

6. In view of the above and for the reasons stated above and solely on the ground and it is demonstrated and pointed out that respondent No.1 was not having the requisite qualification which was required for the post in question, the present Appeal is allowed. The impugned judgment and orders passed by the learned Single Judge as well as the Division Bench are hereby quashed and set aside on the aforesaid ground.

The present appeal is allowed, accordingly, to the aforesaid extent.

..... J.
(M.R. SHAH)

..... J.
(B.V. NAGARATHNA)

New Delhi
July 26, 2022.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4931 OF 2022
(Arising out of SLP (C) No. 23162 of 2016)

INDIAN MARITIME UNIVERSITY & ANR. Appellant(s)

VERSUS

DR. BHASKAR BASU & ANR. Respondent(s)

O R D E R

1. Leave granted.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 15.03.2016 passed by the High Court of Judicature at Madras passed in Writ Appeal No. 595/2016, by which the Division of the High Court has dismissed the said appeal preferred by the appellant-Indian Maritime University ('University' for short) and has confirmed the judgment and order passed by the learned Single Judge quashing and setting aside the order passed by the University withdrawing the appointment/appointment order of Respondent No.1, the University has preferred the present Appeal.
3. Though served, none appears on behalf of the respondents.
4. Learned counsel appearing on behalf of the appellant has vehemently submitted that, even otherwise, the respondent was not having the requisite qualification which was required for the post in question, namely, the Post Graduation in Maritime Management. It is submitted that, as per the advertisement for the post in question, the qualification required was Post Graduation in Maritime Management or in a related subject. It is submitted however that the respondent was having the qualification of Post

Graduation in Production Engineering, PhD in Knowledge Management System, which cannot not be said to be either Post Graduation in Maritime Management or in a related subject. It is submitted that therefore the withdrawal of the appointment may not be set aside and/or interfered with.

5. Having heard learned counsel appearing on behalf of the appellant and in the facts and circumstances of the case and as having found that, at the relevant time, the respondent was not having the requisite qualification which was required as per the advertisement for the post in question and though it was pointed out before the Division Bench, the same has not been considered by the Division Bench, the impugned judgment and order passed by the High Court is unsustainable and the same deserves to be quashed and set aside.

6. In view of the above and for the reasons stated above and solely on the ground that it is demonstrated and pointed out that the respondent was not having the requisite qualification which was required for the post in question, the present Appeal is allowed. The impugned judgment and orders passed by the learned Single Judge as well as the Division Bench are hereby quashed and set aside on the aforesaid ground.

The present appeal is allowed, accordingly, to the aforesaid extent.

..... J.
(M.R. SHAH)

..... J.
(B.V. NAGARATHNA)

New Delhi;
July 26, 2022.

M.Phil. and PhD in International Law. Thus, the respondent was not having the Masters Degree in Maritime Law. It is the case on behalf of respondent No.1 that, while studying the International Law, one of the subject was Maritime Law. Studying one of the subjects cannot be said to be obtaining the Masters Degree in Maritime Law. Thus, at the relevant time, the respondent was not having the requisite qualification which was required as per the advertisement. It is true that, at the relevant time, the cancellation of the appointment was on the aforesaid ground and therefore, technically speaking, the respondent is required to be issued the show cause notice why his appointment may not be cancelled on the aforesaid ground. However, as it is apparent from the material on record and as observed hereinabove, the respondent was not having the requisite qualification, to issue the show cause notice and giving an opportunity to the respondent would be an empty formality as even after giving the opportunity, there shall not be any change on facts.

5. In that view of the matter and even otherwise, considering the fact that the post in question has been abolished since 2015, thereafter, there is no question of reinstatement on the post which, as such, has been abolished since 2015.

6. In view of the above and for the reasons stated above, the present appeal succeeds. The impugned judgment and orders passed by the learned Single Judge as well as the Division Bench of the High Court are hereby quashed and set aside on the aforesaid ground.

The present appeal is accordingly allowed. However, there

shall be no order as to costs.

7. At this stage, a grievance is made that for the period during which the respondent served for nine months prior to her cancellation of the appointment she has not been paid the wages is concerned, if the respondent has actually worked prior to the cancellation of the appointment in that case the same be paid to the respondent, if not paid, within a period of six weeks from today.

..... J.
(M.R. SHAH)

..... J.
(B.V. NAGARATHNA)

New Delhi;
July 26, 2022.

ITEM NO.10

COURT NO.11

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

Special Leave Petition (C) No. 21991/2016

VICE CHANCELLOR, INDIAN MARITIME UNIVERSITY & ANR. Petitioner(s)

VERSUS

M.S. RAVI SHARMA & ANR.

Respondent(s)

WITH

SLP (C) No. 22169/2016 (XII)

IA No. 142577/2021 - MODIFICATION OF COURT ORDER)

SLP (C) No. 22163/2016 (XII)

SLP (C) No. 22156/2016 (XII)

SLP (C) No. 23466/2016 (XII)

SLP (C) No. 23162/2016 (XII)

SLP(C) No. 459/2020 (XII)
(FOR ADMISSION)

SLP (C) No. 22155/2016 (XII)

Date : 26-07-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNAFor Parties:Mr. Devashish Bharuka, AOR
Ms. Hina Sahi, Adv.
Ms. Sharvshree, Adv.Ms. Aditi Dani, Adv.
Mr. Ashwin Kumar, D.S., Adv.
Ms. Surbhi Mehta, AORMr. Gautam Bharadwaj, Adv.
Mr. Ashwin Kumar D.S., Adv.
Mr. D. L. Chidananda, AORMs. Nupur Raut, Adv.
Ms. A. Rejna Shruti, Adv.
Mr. Abishek Jebaraj, AOR

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

SLP (C) No. 21991/2016, SLP (C) No. 22169/2016, SLP (C) No. 22163/2016, SLP (C) No. 22156/2016:

Leave granted

The present Appeals stand disposed of in terms of the signed orders. Pending applications, if any, also stand disposed of.

SLP (C) No. 22155/2016, SLP (C) No. 23466/2016 & SLP (C) No. 23162/2016:

Leave granted.

The present Appeals are allowed in terms of the signed orders. Pending applications, if any, stand disposed of.

SLP (C) No. 459/2020:

Feeling aggrieved and dissatisfied with the impugned judgment and order dated 29.07.2019 passed by the High Court of Judicature at Madras in Writ Appeal No. 158/2018, by which the Division Bench of the High Court has dismissed the said appeal preferred by the petitioner-herein - original writ petitioner and has confirmed the judgment and order passed by the learned Single Judge dismissing the writ petition, the original writ petitioner has preferred the present Special Leave Petition.

Having heard learned counsel appearing for the respective parties and considering the fact that, after the petitioner was appointed as Labour Enforcement Officer (Central) by a Memorandum dated 25.08.2015, he tendered the resignation. He submitted the resignation to respondent No.2-Indian Maritime University-but

thereafter he was relieved from the University and thereafter he joined the Central Government service and he worked there for a period of two years thereafter it was not open for the petitioner to pray for revocation of the resignation. The prayer of the petitioner to revoke the resignation has been rightly rejected by the Department and the same is rightly not interfered with by the learned Single Judge and the Division Bench of the High Court. We are in complete agreement with the view taken by the High Court. The Special Leave Petition stands dismissed.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(Signed orders are placed on the file)

(NISHA TRIPATHI)
ASSISTANT REGISTRAR