



W.P.(MD).No.2481 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2481 of 2022

and

W.M.P(MD)No.2186 & 5216 of 2022

1.S.Jayalakshmi

2.R.Rajkumar

3.C.Arunkumar

4.T.Rajkumar

... Petitioners

Vs.

1.The Bharathidasan University,
Through its Registrar,
Thiruchirappalli.

2.The University Grants Commission,
Through its Secretary,
Bahadur Shah Zafar Marg,
New Delhi-110 002.

3.The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Secretariat,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the first respondent



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to regularise the services of the petitioners in the DDU- Centre for KAUSHAL at IECD of the first respondent University, in their respective posts, with all consequential monetary and service benefits.

For Petitioners : Mr.N.Manoharan
For R1 : Mr.VR.Shanmuganathan
For R2 : No Appearance
For R3 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the first respondent to regularise the services of the petitioners in the DDU- Centre for KAUSHAL at IECD of the first respondent University, in their respective posts, with all consequential monetary and service benefits.

2. The 2nd respondent had chosen the 1st respondent University for a special programme of establishing KAUSHAL Kendra centers for imparting education in B.Voc., M.Voc and Ph.D. Such an approval was granted by the 2nd respondent to the 1st respondent and granted a sum of Rs.3.50 Crores for implementation of the said scheme for a period of 2 years from 2015-2017. In



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view of the implementation of the said scheme, the 1st respondent University invited applications for the post of Associate Professors in various subjects in the school of Skill Development and Entrepreneurship on contractual basis. All the petitioners submitted their applications and were appointed on 30.06.2016 on contract basis for a period of 2 years. However, the said period was extended from time to time and the petitioners are continuing their service in view of the fact that the said scheme is extended by the 2nd respondent till 31.03.2024. Various other centers as sponsored by the 2nd respondent has been converted into various departments after a period of time by the 1st respondent University. As far as this particular KAUSHAL Kendras are concerned, the 2nd respondent has intimated that the said Kendras should function in a self-sustaining manner in collaboration with industry after the grants allocated for the kendra are utilized completely, as no further financial assistance will be provided after a particular period of time. In view of the same, the petitioners anticipate that the petitioners may be terminated from service once the extension period expires on 31.03.2024 and has filed this writ petition seeking to direct the 1st respondent to regularize the service of the petitioners in DDU centers for KOUSHAL Kendra in the 1st respondent University by converting



the same into the department of the University just as the how the 1st respondent University has dealt with the other projects of the 2nd respondent.

3. The learned counsel for the 1st respondent University submitted that the Syndicate Sub Committee was constituted to study the issue of DD-KAUSHAL Kendra and the Committee met on 13.07.2021 and made certain recommendations which is as follows:

“i. It is resolved that the salary for all Faculty Members and Multi-Tasking Staff (Contractual and Guest) be paid up to 31.03.2022 from Fee Fund of DDU-KAUSHAL as the DDU-KAUSHAL scheme be extended till the end of the financial year (31.03.2022). Further, it is resolved that as and when the UGC reimburse the expenditures, it should be re-appropriated to the Fee Fund of DDU-Kaushal.

ii. It is resolved that in case of no grant from UGC, option may be given to the contractual Faculty members (1.Dr.S.Jayalakshmi-Asst.Professor, 2.Mr.C.Arunkumar-Asst.Professor and 3.Mr.R.Rajkumar-Asst.Professor) to serve as Guest Faculty and the service of Mr.T.Rajkumar-Multi-Tasking staff) may be converted as daily wager at appropriate pay as per Collectorate Rate from then onward, with University regulations.”



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4. In view of the said resolution, this Court directs the 1st respondent University to take a concrete decision so as the placement of the petitioners are protected and a final decision be arrived at as far as the conversion of the DD-KAUSHAL Kendra into a department of the 1st respondent University by taking into consideration the directions of the 2nd respondent and also by considering the fact that the similarly placed centers are already been converted into the departments of the concerned University. In fine, this Court is inclined to allow the writ petition directing the 1st respondent to regularize the services of the petitioners in DDU-Centre for KAUSHAL Kendras in their respective post by converting the said center into a department of the University.

5. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.07.2023

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

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L.VICTORIA GOWRI, J.

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To

- 1.The Registrar,
The Bharathidasan University,
Thiruchirappalli.
- 2.The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Secretariat,
Chennai.

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