

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :28.01.2015

CORAM:

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.14361 of 2012  
& M.P.No.1 of 2012

S.Raja

...Petitioner

- Vs.-

University of Madras  
Rep. by its Registrar  
University Building  
Chepauk  
Chennai-600 005.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to reinstate the petitioner in service and to regularise his services as Research Assistant from the date the said post of Research Assistant became vacant with all monetary benefits and continuity of service.

For Petitioner : Mr.K.M. Ramesh

For Respondents: Mrs.G. Thilagavathi

ORDER

The petitioner was appointed as Editorial Assistant in New Catalogs Catalogorum Project, Department of Sanskrit, University of Madras in April, 2004. Subsequently, the petitioner made an application for appointment to the post of Research Assistant in the department of Sanskrit, University of Madras. The University appears to have taken a decision not to proceed with the appointment to the post of Research Assistant. Thereafter once again the University called for application for appointment to the post of Research Assistant. The petitioner made an application for such appointment. However, the University discontinued the process of appointment. This made the petitioner to file this writ petition for a direction to the respondents to re-instate him into service and to regularise his services as Research Assistant.

2. The Registrar incharge, University of Madras in his counter affidavit contended that the University has taken action to fill up the post of Research Assistants. However the University could not proceed further on account of the action taken by the University Grants Commission not to pay the grant. According to the University in case action is taken to fill up the post, it is open to the petitioner to make an application.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the University.

4. There is no dispute that the initial engagement of the petitioner was not against a sanctioned post. The petitioner was engaged as Editorial Assistant for a particular project. It was only during the currency of the said engagement the petitioner made an application for appointment to the post of Research Assistant. The University has not proceeded with the appointment process. Thereafter the petitioner was disengaged. The University once again issued a notification dated 26 March 2010 calling for applications for appointment to the post of Research Assistants. Even the said notification was subsequently withdrawn. Such being the position, there is no question of directing the University to reinstate the petitioner into service and to regularise his services as Research Assistant. The University in its counter affidavit very clearly stated that in case a decision is taken to fill up the post, they would follow a transparent procedure.

5. It is open to the petitioner to submit application for appointment in case he is qualified for appointment to the post. Since the petitioner earlier worked in the University for a considerable period, his experience should be given due weight while making selection.

6. The writ petition is disposed of with the above observation. Consequently, the connected MP is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tr/

To

The Registrar  
University of Madras  
University Building  
Chepauk  
Chennai-600 005.

+ 1 cc to M/s. K.M. Ramesh, Advocate SR.4157

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Eu 06.02.15



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