

In the High Court of Judicature at Madras

Reserved Date: 13-10-2015

Pronounced Date: 27-10-2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren

W.P. No.17237 of 2012 and
M.P.No.1 of 2012

M.Mageswaran

.. Petitioner.

Versus

1. The Pondicherry University,
represented by its Vice-Chancellor,
Kalapet, Puducherry.

2. The Registrar,
Pondicherry, University,
Kalapet, Pondicherry-605 014.

3. The Deputy Registrar,
Pondicherry University,
Kalapet, Pondicherry-605 014.

.. Respondents.

Prayer: Writ Petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceedings in Ref.No.PU/Estt/NT4/2012-13/40, dated 4.6.2012 and quash the same as arbitrary and illegal and subsequently issue a direction to the respondents to provide a suitable employment to the petitioner in the Pondicherry University in Group C Post.

For petitioner : Mr.K.Sasindra for
M/s.Achari and Antoni
For respondents : Mrs.A.V.Bharathi

ORDER

Heard the learned counsel appearing for the petitioner, as well as the learned counsel appearing on behalf of the respondents.

2. This Writ Petition has been filed praying that this court may be pleased to issue a Writ of Certiorarified Mandamus to call for and quash the proceedings of the third respondent,

dated 4.6.2012, and to direct the respondents to provide suitable employment to the petitioner in a Group C post, in the Pondicherry University.

3. The petitioner has stated that his family had owned agricultural lands, in Survey No.3pt and 81/12, at Pillaichavady and Kalapet villages, respectively. The said lands had been acquired by the Government of Pondicherry, for the establishment of the Pondicherry University, during the year, 1989. On considering the requests made by the persons whose lands had been acquired, the Government of Pondicherry had passed a resolution, on 18.5.1989, resolving to give employment to atleast one member of the family whose lands had been acquired, in Group C or Group D posts, in the Pondicherry University. Even though the petitioner had completed a course in I.T.I., he had not been considered for employment in the Pondicherry University, as per the resolution of the Government of Pondicherry, dated 18.5.1989, in spite of several requests. In such circumstances, the petitioner has preferred the present Writ Petition before this Court, under Article 226 of the Constitution of India. The learned counsel Mrs.A.V.Bharathi has relied on the decision made in P.Sittaramane and another Vs. Union of India and another(W.P.No.11226 and 12716 of 2007).

4. A counter affidavit had been filed on behalf of the respondents denying the allegations made by the petitioner in the affidavit filed in support of the Writ Petition. It has been stated that the petitioner has no legal right to claim that he should be employed in the Pondicherry University, as a member of the family whose lands had been acquired for the establishment of the Pondicherry University. It has been stated that the University Grants Commission had imposed a ban on filling up of the Non-teaching posts. In the letter, dated 2.2.2002, the Ministry of Human Resource Department had forwarded, for appropriate action, the recommendation of the Expenditure Reforms Commission stating that there should a freeze on recruitment in all autonomous institutions, at all levels and that it had also recommended reduction of staff strength, to a certain extent.

5. It has been further stated that the Pondicherry University has been engaging persons from the families whose lands had been acquired, as per the wait list available on record. The wait list had been prepared by the High Level Committee, during the year 1992, after a door to door inspection of three villages, namely, Periakalapet, Chinnakalapet and Pillaichavady. The University has been engaging the eligible persons, on casual basis, whose names are found in the wait list. Since, the petitioner's name is not in the wait list maintained by the University, his claim for employment under the category of persons whose lands had been acquired, cannot be

considered. Further, the petitioner has preferred the present Writ Petition, belatedly, after the lapse of many years from the time of the acquiring of the lands in question.

6. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available, it is clear that the petitioner has approached this court after a lapse of many years from the time of the acquisition of the lands in question. Further, there has been a ban, by the University Grants Commission, to appoint persons in Group C and Group D posts, on a regular basis, in the Pondicherry University. It is noted that certain persons had been employed by the Pondicherry University from the families whose names had been acquired for the establishment of the said University, as per the resolution of the Government of Pondicherry, dated 18.5.1989. The names of the persons which are found in the wait list have been considered for being employed in the University. However, the name of the petitioner is not found in the list prepared during the year, 1992, by an expert committee. There is no proper explanation given by the petitioner, with regard to the delay in making his claim, for being appointed in the Pondicherry University. In such circumstances, this Court is of the considered view that the present Writ Petition, filed by the petitioner, is devoid of merits. Hence, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

csh

1. The Pondicherry University,
represented by its Vice-Chancellor,
Kalapet, Puducherry.

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Pondicherry University,
Kalapet, Pondicherry-605 014.

3. The Deputy Registrar,
Pondicherry University,
Kalapet, Pondicherry-605 014.

+1 CC to MR.A.V.Bharathi Advocate. SR.NO. 58501
+1 CC to M/s.Achari and Antoni Advocate. SR.NO.58505

W.P. No.17237 of 2012

CO-PPA. JD 30/11/2015