



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 15.07.2015
CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P (MD) No.12042 of 2015
and
M.P. (MD) .No.1 of 2015

Dr.N.Ragudevan

.. Petitioner

Vs

Madurai Kamaraj University,
rep. by the Registrar,
Palkalai Nagar, Madurai-19.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus direct the respondent to re-fix the seniority of the petitioner as a backlog vacancy of 2006 and place him at the top in the Department of Tamilology with the respondent university within the time framed fixed by this Honourable Court.

For Petitioner	:Mr.S.Louis for Mr.T.Lajapathi Roy
For Respondent	:Mr.M.Muthu Geethaiyan

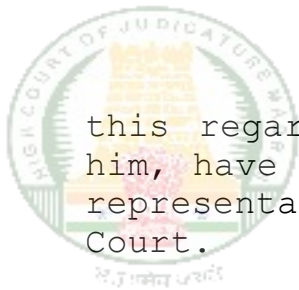
ORDER

The writ petition has been filed to issue a writ of mandamus to direct the respondent to re-fix the seniority of the petitioner as a backlog vacancy of 2006 and place him at the top in the Department of Tamilology with the respondent university within the time framed fixed by this Honourable Court.

2. The case of the petitioner is that he was appointed as an Assistant Professor on 18.03.2010 in the second respondent University. Though he was appointed to fill up backlog vacancies for SC/ST, his name was placed under the MBC category in order to promote a person from MBC community on the basis of age seniority, without taking into account the backlog, which arose in the year 2006. According to the petitioner, his seniority should be re-fixed and he should be placed above the MBC candidates, who have joined along with him in the year 2010.

3.It is very unfortunate and highly ridiculous that a person, who has joined the services in the year 2010, is seeking fixation of his seniority with effect from 2006.

4. The petitioner has stated that his service period should be calculated from the date of vacancies arisen, prior to 2006 and in



this regard, he made several representations, which according to him, have been acknowledged. Since there was no response over his representations, the petitioner is constrained to approach this Court.

5. Even though no counter affidavit has been filed, the learned Government Advocate appearing for the respondent, has submitted that a person, who has joined in service in the year 2010, cannot claim seniority on par with persons joined in 2006. Since the petitioner was appointed in the year 2010 only to fill up the backlog vacancies, he cannot claim seniority from the year 2006 and his entire service should be calculated only from the year 2010. Hence, the petitioner's claim is contrary to the service jurisprudence and also the rule of reservation, which will create havoc in all walks of life.

6. The learned Government Advocate further submitted that if this kind of relief as sought for by the petitioner is granted, it would give rise to a lot of litigations not only in the respondent University but also in the entire service matters as a whole so as to defeat the main purpose of filling up of the backlog vacancies.

7. Finding force in the contentions raised by the respondent, this Court is not inclined to grant the relief sought in this petition, namely to place the petitioner over and above the MBC candidates, which is not permissible under Law.

8. Hence, the writ petition is dismissed with costs of Rs.5,000/- (Rupees five thousand only), payable by the petitioner to the Chief Justice Relief Fund, which in turn shall be forwarded to the persons affected in Nepal Earthquake tragedy. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

vs

To

The Registrar,

Madurai Kamaraj University, Palkalai Nagar, Madurai-19.

COPY TO: THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1cc to MR.T.LAJAPATHY ROY, Advocate Sr.No 39152

+1cc to MR.M.MUTHUGEETHAYAN, Advocate Sr.No 38694

W.P(MD)No.12042 of 2015

15.07.2015