

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6353 of 2017 & W.M.P. No.6849 of 2017

1 Dr. D. Asokan
2 Dr. E. Veerappan
3 Dr. P. Elayappillai
4 Dr. B. Thirugnanasambandam
5 Dr. P. Vijayarani
6 Dr. K. Olivanan
7 Dr. T. Kumar

Petitioners

vs.

1 The Secretary
Higher Education Department
Secretariat, Chennai 600 009
2 The Annamalai University
represented by its Registrar
Annamalai Nagar 608 002
Cuddalore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to identify the surplus Assistant Professors based on the workload prevailing in the Department of Tamil Studies and Research by obtaining the report from the Academic Council, faculty and Board of Studies and thereby, determine the surplus Assistant Professor in the Department of Tamil Studies and Research and consequently, appoint those surplus Assistant Professors in the Government Colleges.

For petitioners M/s. Row & Reddy
For R1 Mr. V. Anandhamoorthy
Addl. Government Pleader
For R2 Mr. V.R. Kamalanathan, Standing Counsel

ORDER

Mr. V. Anandhamoorthy, learned Additional Government Pleader, accepts notice for the first respondent. Mr. V.R. Kamalanathan, learned Standing Counsel, accepts notice for the

second respondent.

2 This writ petition has been filed seeking a writ of mandamus directing the respondents to identify the surplus Assistant Professors in the Department of Tamil Studies and Research, based on the workload prevailing therein, by obtaining report from the Academic Council, faculty and Board of Studies and consequently, appoint those surplus Assistant Professors in other Government Colleges, before taking a final decision to send the teachers on deputation on the ground of surplus staff.

3 At the threshold, it is pertinent to point out that this writ petition is a belated one. The reason is that, a year ago, when the respondent University took a policy decision to depute 369 teaching staff members to other Government colleges on the ground of they being surplus and when the said policy decision was put to challenge before this Court, this Court upheld the policy decision of the respondent University, observing that, the respondent University, by showing compassion, has not decided to terminate their services, but, has rather deputed them to other Government colleges.

4 Likewise, in the instant case as well, after identifying further surplus staff, if the respondent University takes a further decision to send its surplus staff members to other Government colleges on deputation basis, this Court is of the view that the petitioners, can, in no way be prejudiced to come to this Court seeking a direction, as aforestated, inasmuch as their services are not terminated by which their very likelihood may be affected. In such view of the matter, further action, if any, taken by the respondent University on the ground of it being overstaffed, cannot be interfered with.

Ex consequenti, the writ petition fails and is accordingly dismissed. No costs. Connected W.M.P. is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Secretary
Higher Education Department
Secretariat, Chennai 600 009

2 The Registrar
Annamalai University
Annamalai Nagar 608 002
Cuddalore District

+1cc to Mr.V.R. Kamalanathan, Advocate, S.R.No.16187

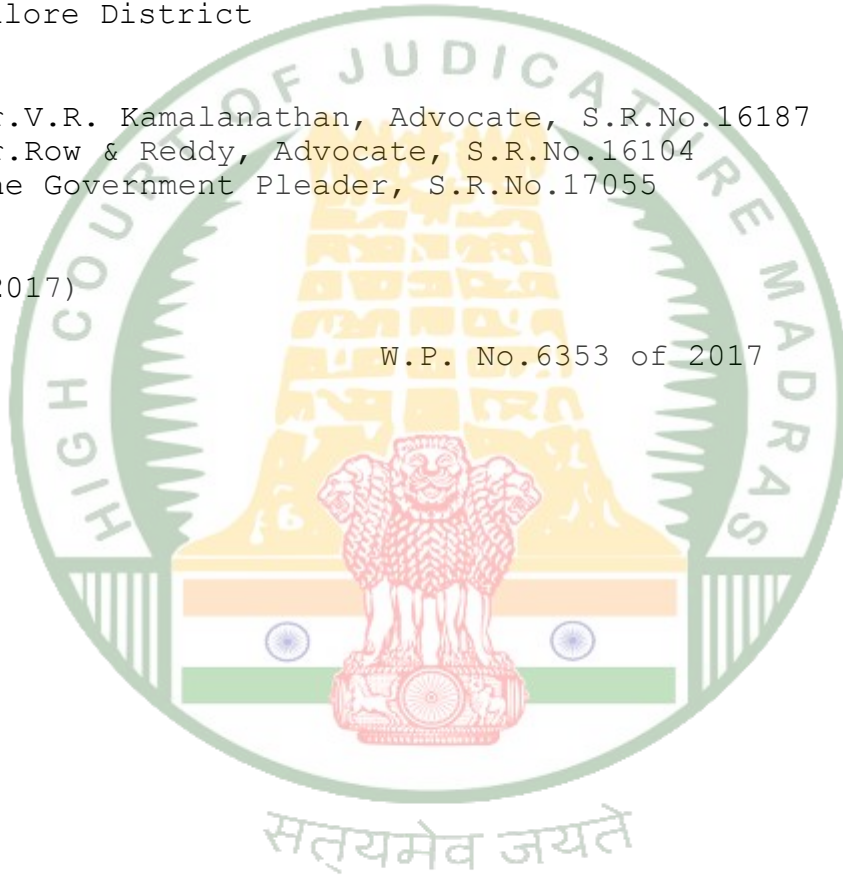
+1cc to Mr.Row & Reddy, Advocate, S.R.No.16104

+1cc to the Government Pleader, S.R.No.17055

ca(CO)

md(10/04/2017)

W.P. No.6353 of 2017



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