

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16211 of 2017
and
W.M.P.No.17517 of 2017

S.Murugesh

... Petitioner

Vs

The Registrar
Periyar University
Salem 636 011.

... Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to permit the petitioner to continue his service as the Professor and Head, Department of Botany in the respondent University on re-employment till the end of the academic year (2017-2018) i.e., 31.03.2018 by considering his application dated 03.04.2017.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.P.Godson Swaminath for
: Mr.Isaac Chambers

O R D E R

The relief sought for in this writ petition is for a direction, to direct the second respondent to permit the petitioner to continue his service as the Professor and Head, Department of Botany, in the respondent university on re-employment till the end of the academic year (2017-2018) i.e., 31.03.2018 by considering his application dated 03.04.2017.

2. The learned counsel appearing for the writ petitioner made a submission that as per the Sec.2(i) of the Periyar University Act, 1997, the word "Academic year" is defined as under:

"'Academic year' means a period of twelve months commencing from the first day of June;

Provided that in the case of teachers who are granted extension of service till the end of the academic year, the academic year shall mean a period of ten months from the first day of June".

3. Therefore, the relieving order issued against the petitioner on 30.06.2017, is irregular and he must be allowed to continue till the end of the academic year i.e., 31.03.2018. However, the learned counsel appearing for the university has stated that the writ petitioner was relieved from the post and now as a matter of right, he cannot claim re-employment. Further, the learned counsel refers the Rules relating to the re-employment of Professors which is extracted hereunder:

(b) Re-employment:

Provided that the Syndicate may re-employ any such employee for one year in respect of non-teaching staff and two years in respect of teaching staff in recognition of outstanding contribution to the University on such terms and conditions as may be prescribed by the Syndicate.

Provided that such re-appointments are subject to review by a Committee appointed by the Syndicate every year. Provided further, that any such employed person shall cease to continue in office on attaining the age of 63 in the case of teachers and 60 in the case of non-teaching employees.

4. This Court is of the view that re-employment can never be claimed as a matter of legal right and it is a concession to be extended by the employer, by considering various factors including merits and other service aspects of the individual. The learned counsel for the petitioner states that the writ petitioner has submitted an application dated 03.04.2017, seeking re-employment. Thus, without going into merits of the case, the respondent university is directed to consider the representation submitted by the writ petitioner on 03.04.2017, on merits in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dna

To

The Registrar
Periyar University
Salem 636 011.

+lcc to M/s.Isaac Chamber, Advocate, S.R.No.65571
+lcc to Mr.N.Manokaran, Advocate, S.R.No.65097

W.P.No.16211 of 2017

SJ(CO)
CA(06/10/2017)



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