

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.30038 of 2015

Anshul Nigam

.. Petitioner

Vs

1. Pondicherry University,
Rep. By its Registrar,
R.V.Nagar, Kalapet,
Puducherry - 605 014.
 2. The Coordinator,
Department of Bio Technology-Interdisciplinary Life
Science Programme,
Department of Bio-Chemistry and Molecular Biology,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry - 605 014.
 3. The Deputy Coordinator,
Department of Bio Technology-Interdisciplinary Life
Science Programme,
Department of Biotechnology
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry - 605 014.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of declaration declaring the notice of the respondents 2 and 3 dated 08.06.2015 stating that the DBT-IPLS project will be ended by 27.09.2015 and that the Project positions will be terminated by the end of the project period as illegal, arbitrary and contrary to law and consequently direct the respondents to continue the employment of the petitioner as Assistant Professor in the interdisciplinary Programme in Life Sciences (DBT Project), School of Life Sciences, Pondicherry University with all consequential benefits such as attendant benefits, continuity of service and all other benefits.

For petitioner : Mr.Anshul Nigam (party-in-person)

For Respondents : Ms.A.V.Bharathi

O R D E R

By way of filing this writ petition, the petitioner seeks to declare the notice dated 08.06.2015 issued by the respondents 2 and 3 stating that the DBT-IPLS project (Department of Bio-Technology Inter-Disciplinary Programme in Life Sciences) would be ended by 27.09.2015, as illegal, arbitrary and contrary to law.

2. The petitioner was selected for Department of Bio-Technology, Government of India, for Junior Research Fellowship, after clearing National Eligibility Test (NET). He has completed M.Tech., and Ph.D., from IIT Kanpur and IIT Bombay respectively. Whiles, the first respondent University invited applications for appointment to the post of Assistant Professor in the Interdisciplinary Programme in Life Sciences (DBT) Project, School of Life Sciences. He was also selected for the said post by the Executive Committee and to that effect, order of appointment was issued by the first respondent on 02.12.2011 stating that it is a tenure appointment till September, 2015.

3. It is stated by the petitioner, who is appearing as party-in-person, that as an Assistant Professor, he has been doing the work of Teaching, Research, besides handling academic and administrative responsibilities. Whiles, all of a sudden, the respondents 2 and 3 issued a notice dated 08.06.2015 stating that the DBP-IPLS project would be over by 27.09.2015 and that the employees and staffs working in that project would be terminated. Therefore, it is his contention that the respondents 2 and 3 have no authority to issue the said notice, for, they are not the appointing authority and only the first respondent alone can issue such notice. It is further stated that in terms of the memorandum of agreement dated 14.12.2011 entered between the petitioner and the first respondent, it is not a tenure appointment and this apart, the respondents 2 and 3 have no right or power or authority to issue the notice dated 08.06.2015 stating that the said project would come to an end on 27.09.2015, as they are only Coordinator and Deputy Coordinator. Therefore, on this basis, he has contended that the notice dated 08.06.2015 issued by the respondents 2 and 3 is illegal and therefore, the same is liable to be declared as null and void.

4. On the other hand, it is submitted by the learned standing counsel appearing for the respondents that the first respondent, by getting sanction from the Government of India,

appointed the petitioner on 02.12.2011 as Assistant Professor in the DBT-IPLS project. It is also clearly stated in the appointment order that he was appointed only on tenure basis till September, 2015. Therefore, she contended, knowing fully well that the said project is only for a period of five years and that the said project would come to an end on 27.09.2015, he cannot now question the notice dated 08.06.2015 issued by the respondents 2 and 3 on the ground that they have no authority to issue such notice, for, now, the said notice was issued only as a reminder to the notice dated 02.12.2011 issued by the first respondent reminding the terms of the appointment. Therefore, the prayer made by the petitioner to declare the notice dated 08.06.2015 issued by the respondents 2 and 3 as illegal, is misconceived and hence, she sought for dismissal of the writ petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. The petitioner is a Ph.d. holder and he applied to the post of Assistant Professor in the Interdisciplinary Programme in Life Science (DBT) project, School of Life Sciences. He was appointed by the first respondent on 02.12.2011 in the said DBT-IPLS project as Assistant Professor. For better understanding of the case, relevant portion of the appointment order dated 02.12.2011 is extracted below:

"On the basis of the recommendation of the Selection Committee and in pursuance of the approval of the Executive Council resolution second cited, the University is pleased to offer you that post of Assistant Professor in the Interdisciplinary Programme in Life Sciences (DBT Project), School of Life Sciences of this University on Tenure appointment till September, 2015,"

7. The above said appointment order would clearly imply that he was appointed to the post of Assistant Professor only for the DBT - IPLS project and it has further categorically stated that it is a tenure post, which would end in September, 2015. Therefore, reminding such terms of the appointment order, the respondents 2 and 3 sent a notice dated 08.06.2015 intimating that his tenure would come to an end on 27.09.2015, hence, the petitioner, having agreed to work in the said project for a period of five years i.e. till September, 2015, cannot now question such notice issued by the respondents 2 and 3, who are handling the said project as Coordinator and Deputy Coordinator respectively.

8. Thus, in view of the above, the writ petition fails and the same is dismissed. No Costs. M.P.No.1 of 2015 is closed.

-Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

- 1.The Registrar,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry - 605 014.
- 2.The Coordinator,
Department of Bio Technology-INTERdisciplinary Life
Science Programme,
Department of Bio-Chemistry and Molecular Biology,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry - 605 014.
- 3.The Deputy Coordinator,
Department of Bio Technology-INTERdisciplinary Life
Science Programme,
Department of Biotechnology
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry - 605 014.

+cc to MRS.A.V.BHARATHI, Advocate SR.NO. 15175

W.P.No.30038 of 2015

KK(CO)
RRI 12/04/2017

WEB COPY