



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 13.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) Nos.1279 and 1280 of 2016

and

C.M.P. (MD) No.8696 of 2016

T.Umamaheswari

... Appellant in

W.A. (MD) No.1279 of 2016

V.Umayaparvathi

... Appellant in

W.A. (MD) No.1280 of 2016

Vs.

1. The Madurai Kamaraj University,
Represented by the Registrar,
Madurai.

2 .The Director,
Directorate of Distance Education,
Madurai Kamaraj University,
Madurai - 625 021.

... Respondents in

W.P. (MD) Nos.1279 and 1280 of 2016

PRAYER IN W.A. (MD) Nos.1279 and 1280 of 2016: Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 26.09.2013 passed by the Learned Judge in W.P. (MD) Nos.15834 and 15835 of 2013 on the file of this Court.

Prayer in WP(MD). 15834/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents to retain the service of the petitioner in the post of Lecturer (Temporary) in Tamil on consolidated pay in the Directorate of Distance Education with the Respondent Madurai Kamaraj University and consequently to consider the petitioner for absorption in the post of Assistant Professor in Tamil within the time stipulated by this Honourable Court.

Prayer in WP(MD). 15835/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents to retain the service of the petitioner in the post of Lecturer (Temporary) in Computer Science



on consolidated pay in the Directorate of Distance Education with the Respondent Madurai Kamaraj University and consequently to consider the petitioner for absorption in the post of Assistant Professor in Computer Science within the time stipulated by this Honourable Court.

WEB COPY

For Petitioner : Mr.T.Lajapathiroy

For Respondent No.1 : Mr.Isaac Mohanlal
Senior Counsel
For M/s.Isaac Chambers
(In both W.P.s)

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J**)

The unsuccessful writ petitioners are on appeal, challenging the dismissal order dated 26.09.2013 made in W.P.(MD)Nos.15834 and 15835 of 2013.

2.The appellants herein were working as Lecturers on temporary basis in the first respondent University. They were working on consolidated pay. They sought retention of service and wanted absorption on permanent basis. The writ petitions were dismissed. Hence, this intra Court appeal has been filed.

3.We are of the view that the first respondent University will have to necessarily follow the relevant recruitment norms laid down in its Statutes. There cannot be any back door appointment. The learned Judge rightly dismissed the writ petitions on the ground that working in any post on temporary basis cannot give rise to claim for absorption. The relief sought for by the appellants was rightly declined. We confirm the order passed by the learned Single Judge. These writ appeals stand dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Registrar,
Madurai Kamaraj University,



2. The Director,
Directorate of Distance Education,
Madurai Kamaraj University,
Madurai - 625 021.

+ 1 cc TO M/S.Issac Chambers , Advocate in SR No. 78883
+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 78744

MRN/GSP
AE/KP/SAR4/02.11.2017/3P/5C

Order made in
W.A. (MD) Nos.1279 and 1280 of 2016
13.09.2017