



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA**W.P(MD)No.15005 of 2017**

J.Stanley Jeyaraj

... Petitioner

Vs.

1.The Registrar,
National Institute of Technology,
Trichy - 15.

2.The Chairman,
Board of Government,
National Institute of Technology,
Trichy - 15.

3.The Director,
National Institute of Technology,
Trichy - 15.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to issue call letter to the petitioner for interview to be held on 18.08.2017 and 19.08.2017 at about 10:00 a.m. for the post of Security Officer, NIT, Tiruchirappalli based on the Advertisement No.NITT/D/01/2017, dated 16.02.2017.

For Petitioner
For Respondents

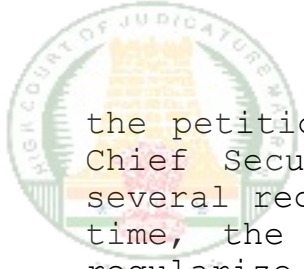
: Mr.PT.S.Narendravasan
: Mrs.J.Maria Roseline

O R D E R

By consent of both parties, this Writ Petition itself is taken up for final disposal.

2.The petitioner is an Ex-service man. He was appointed as a Security Officer on contract basis on 01.07.2000 in the first respondent institute on a consolidated monthly pay of Rs.7450/-. His temporary appointment was extended periodically. Again on 07.11.2003, the first respondent appointed the petitioner as a Security Officer on contract basis in time scale of pay of Rs.5300-150-6300 with effect from 01.01.2004. The said appointment was also periodically extended.

3. With this background, it is contended before this Court that the second respondent on a meeting held on 07.06.2004, approved the time scale of pay of the petitioner and thereupon made it clear that



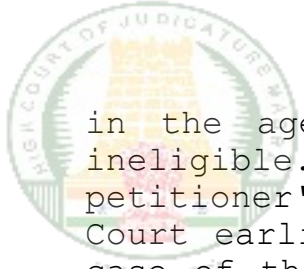
the petitioner is qualified as per the norms fixed for the post of Chief Security Inspector. In view thereon, the petitioner made several requests for regularization of his service. At one point of time, the officials of the institution made a representation to regularize the petitioner's service with effect from 01.01.2004. But, in spite of the recommendation, the petitioner's post as a Security Inspector was not regularized. However, the respondents have mechanically extended his service once in a year on contract basis for more than ten years. All of a sudden, the first respondent terminated the service of the petitioner with effect from 12.05.2010 vide proceedings in R.C.No.A2/1309/2010 dated 07.05.2010. Challenging the same, the petitioner approached this Court with W.P.No.6702 of 2010.

4.This Court by order dated 15.04.2014, taking into account that the petitioner has served in the first respondent institute for more than ten years and keeping in mind the consolidated pay of Rs.7450/- given to the petitioner, issued a direction to the respondents to consider the case of the petitioner as and when any appointment is made in future. But, without considering the case of the petitioner in a future vacancy an advertisement dated 18.02.2015 was issued by the respondent Institute, calling for applications from eligible and qualified candidates for the said post, overlooking the claim of the petitioner and also ignoring the order of this Court. Hence, it is liable to be set aside.

5.A detailed counter affidavit has been filed along with type set of papers. The learned counsel appearing for the respondents submitted that the performance of the petitioner in the said post was directed to be valued by the board. The board in its 19th meeting held on 30.11.2009, authorized the Director to evaluate the service of the petitioner. The Director recommended that the services of the petitioner were not to the level of standard expected for the sensitive post of Security Officer. Hence, it was decided to serve termination order with one month notice. At this stage it is relevant to extract paragraph 2 of the Minutes of the 20th BOGM meeting held on 04.02.2010.

"The Board authorized the Director to evaluate the services of Shri.Stanley Jayaraj, Security Officer on Contract basis in its 19th meeting and approved the recommendation of the Director that his services were not to the level of the expected standard for the sensitive post of security officer. Hence, it is decided to serve termination order with a month notice"

6.In view of the above, the case of the petitioner could not be considered. Secondly, the post of Security Officer is required to be filled in by appointing eligible candidates whose age limit is below thirty five years. In the present case, the petitioner who is an ex-service man had crossed the age of fifty six years. However, even if a heavy relaxation is given to make the petitioner eligible



in the age qualification, relaxing 18 years, still he is found ineligible. Moreover, the Board's resolution, finding the petitioner's performance unsatisfactory was not placed before this Court earlier. As a result, a direction was issued to consider the case of the petitioner as and when future vacancy arise. However, in the present case since the petitioner has not performed well in the sensitive post namely Security Officer, the respondents have issued the impugned notification / advertisement calling for application from any eligible candidates for the said post. This Court also find merits in the submissions made by the learned counsel for the first respondent. The performance report submitted by the Director after evaluating his work performance, also would show that the petitioner has done his work unsatisfactorily. Moreover, the post of Security Officer in the first respondent office is a sensitive post. Hence, this Court is unable to find merit in giving a direction to the respondents to consider the case of the petitioner, whose performance was not up to the mark / satisfaction.

7. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

TO

1. The Registrar,
National Institute of Technology,
Trichy - 15.
2. The Chairman,
Board of Government,
National Institute of Technology,
Trichy - 15.
3. The Director,
National Institute of Technology,
Trichy - 15.

+1cc to M/s. J.MARIA ROSELINE Advocate in SR. No. 72865
MR/PSD
JS/SKN.RSK/SAR.1/24.10.2017/3P-5C

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