

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

WP.Nos.11053 to 11055 of 2018
and WMP.Nos.12956 to 12958 of 2018

G.Satheesh Sellakumar

...Petitioner
WP.No.11053 of 2018

K.Elamvazhudi

...Petitioner
WP.No.11054 of 2018

S.Prabha

...Petitioner
WP.No.11055 of 2018

Vs.

The Annamalai University,
Rep. by its Registrar,
Annamalai Nagar, Chidambaram,
Cuddalore District, Tamil
Nadu

... Respondent
in all WP's

COMMON PRAYER

Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the respondent in proceedings Reference No.C1-10/21851/2018 dated 02.04.2018 wherein the Respondent illegally and arbitrarily reduces the Rank of the Petitioners from Special Officer Grade - I to Assistant Section Officer and quash the same.

For Petitioner
in all WP's

: B.Elango & P.Poornima
for Mr.G.Vijay Anand Asso.

For Respondent
in all WP's

: Mr.K.Sathish Kumar

COMMON O R D E R

Notices dated 02.04.2018 issued by the respondent is under challenge in these writ petitions.

2. The writ petitioners were appointed as Special Officer in the Directorate of Distance Education Study Centre at Goundabadi, Vellore and Chithode respectively. By virtue of Annamalai University Act 2013, the Government of Tamil Nadu has taken over the University with effect from 04.04.2013 and after thorough verification, it has been found that the appointment of the writ petitioners had been done without following any proper procedures for recruitment and accordingly found that the same was illegal. The matter was placed before the Authorities and pursuant to the decision in respect of the illegal appointments, the Syndicate and the Finance Committee have taken a decision to issue notice to opt for redesignation as Assistant Section Officer or any other equivalent post and accordingly to refix the salary. It is proposed in the impugned notice that if the redesignation is granted, the salary should be proportionately reduced. It is pertinent to note that the consequences of the redesignation has been narrated in the show cause notice and finally an opportunity was given to the writ petitioners to explain their willingness for redesignation. In the event of not expressing willingness, then appropriate orders will be passed thereafter.

3. The impugned notices are an opportunity provided to the writ petitioners to submit their explanations / objections in respect of the proposed redesignation as decided by the Syndicate and the Finance Committee of the University. The provisional decision has been taken by the Syndicate and the Finance Committee for granting redesignation to the writ petitioners in view of the fact that their initial appointments were not in accordance with the recruitment rules in force and the same were illegal. Since the appointments of the writ petitioners were illegal, after taking over the University by the Government, the Government reviewed all the appointments made contrary to the rules and UGC regulations and has given an opportunity for redesignation. Thus, it is an opportunity for the writ petitioners to submit their explanations or otherwise in respect of the show cause notice issued. Contrarily, the petitioners have moved the writ petitions on the ground that no opportunity has been given to them. In fact, the impugned notices itself are an opportunity for the writ petitioners to express their willingness or otherwise.

4. No writ petition can be entertained, against the notice issued seeking willingness of the writ petitioner for redesignation or otherwise. Writ petition can be entertained

against the notice, if the same is issued by an incompetent authority having no jurisdiction or if an allegation of malafides are raised or if the same is in violation of the statutory rules in force. Even, in case of raising an allegation of malafides, the authorities against whom the allegations are raised, is to be impleaded as respondent party in the personal capacity in the writ proceedings. In the absence of any one of these legal grounds, no writ petition can be entertained in a routine manner. Judicial review against show cause notice is certainly limited.

5. In the present cases on hand, the Syndicate and the Finance Committee has taken a decision by verification of the files and found that the initial appointments of the writ petitioners were not in accordance with the rules and the appointments were made illegal. Therefore, the decision has been taken to issue notices and provide an opportunity seeking willingness of the writ petitioners for redesignation.

6. Thus, it is left open to the writ petitioners to submit their willingness or otherwise in respect of the notices issued to them in proceedings dated 02.04.2018. In the event of receiving any such willingness / explanations / objections from the writ petitioners, thereafter, the respondent is at liberty to take a decision on merits and in accordance with law and pass appropriate orders.

7. In this view of the matter, the writ petitioners have not made out any grounds for quashing of the notices issued by the respondent which is otherwise in accordance with law and there is no infirmity as such.

8. Thus, the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

abr/lok

To

The Registrar,
The Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District, Tamil Nadu

+1cc to Mr.K.Sathish Kumar, Advocate in sr.no.32065

+3cc to Mr.G.Vijay Anand, Advocate in sr.no.31695

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nr 17/05/2018



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