

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.15012 to 15017 of 2017

and

W.M.P.Nos.16251, 16253, 16255, 16257, 16259 and 16261 of 2017

1. Dr.V.Ravi ...Petitioner in WP.No.15012/17
2. Dr.P.Mayavu ...Petitioner in WP.No.15013/17
3. Dr.G.Sankar ...Petitioner in WP.No.15014/17
4. Dr.V.Ashok Prabhu ...Petitioner in WP.No.15015/17
5. Dr.A.Chezhian ...Petitioner in WP.No.15016/17
- 6.Dr.R.Balasubramanian ...Petitioner in WP.No.15017/17

vs.

1. The Secretary,
Higher Education Department,
Secretariat,
Chennai - 600 009.
2. The Director of College Education,
Office of the Director of Collegiate Education,
Chennai 600 006.
3. The Annamalai University,
Rep. by its Registrar,
Annamalai Nagar - 608 002.
Cuddalore District. 4.

... Respondents
(in all writ petitions)

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus to call for the records relating (1) proceeding of the 2nd respondent in Na.Ka.No.28557/D5/2016 dated 12.05.2017 so far as petitioner alone is concern in respect of including petitioner in list of surplus teaching staff in the centre of

Advanced Study in Marine Biology and (2) University order No.662/2017 (c) dated 15.05.2017 issued by the 3rd respondent and quash the same., consequently issue direction to respondents to identify the Surplus Assistant Professors based on the sanctioned strength in the Centre of Advanced Study in Marine Biology considering work load prevailing in Centre in Advanced Study in Marine Biology by obtaining the report from the Academic Council, faculty and Board of Studies.

For Petitioners: Mr. T.Dharani
for M/s.Row and Reddy
(in all the petitions)

For Respondents: Mr. K.Karthikeyan for R1 to R2
Government Advocate.
Mr.R.Godson Swaminath for R3
for M/s.Isaac Chambers
(in all the petitions)

COMMON OR D E R

The order of deputation issued to the writ petitioners in proceeding dated 12.05.2017 treating the petitioners as surplus staffs is under challenge in this writ petition.

2. The learned counsel for the writ petitioners states that, the petitioners were appointed through Marine Biology Board of Selection. University authority erroneously deputed the petitioners and treated them as the staffs belongs to the Zoology department.

3. The learned counsel for the writ petitioners states that, though the respondents admit the rule of "last come first go", they have not followed the same in respect of the writ petitioners. The writ petitioners have done their research works in Marine Biology and therefore they cannot be deputed to the Zoology department in some other college.

4. It is contended that, aquaculture staff members are more suitable in teaching Zoology in the government colleges. Even the Kerala High Court in its judgement as stated that, M.sc Coastal Aquaculture is same like M.sc Zoology and M.sc Marine Biology in W.A.No.2348 of 2015 dated 19.06.2018.

5. The government of Tamil Nadu has issued the deputation order of three junior staffs of C.I.S. Marine Biology of Annamalai University on 16.08.2018. The grievances of the writ petitioners are that the junior members of the staffs were retained in the University contrary to the Rule of "last come

first go". Thus the petitioners are also entitled to be retained in the Marine Biology department.

6. The learned counsel for the respondents states that, the deputation is only for the period of three years and the writ petitioners have already completed one and half years of service as deputationist. This apart, the sanctioned post in Marine Biology Department is 20 in numbers. However, 48 staff members are already working in Marine Biology Department.

7. The present strength itself is excess in respect of the Marine Biology Department. Therefore, the writ petitioner cannot be retained in Marine Biology Department of Annamalai University. After completion of three years, the case will be considered based on its seniority and the seniority of the writ petitioner will be protected for the purpose of promotion and for all other benefits.

8. When the learned counsel for the respondents submits that, the writ petitioners will be provided with the protection in respect of their seniority and after completion of three years in deputation their cases also be considered along with the all similar persons.

9. This Court is of an opinion that, no further adjudication needs to be entertained and the case of the writ petitioners also shall be considered in accordance with their seniority and by following rules in this regard.

10. With these observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

pkn

To

1. The Secretary,
Higher Education Department,
Secretariat,
Chennai - 600 009.
2. The Director of College Education,
Office of the Director of Collegiate Education,
Chennai 600 006.
3. The Registrar
The Annamalai University,
Annamalai Nagar - 608 002.
Cuddalore District. 4.

+1 cc to the Government Pleader vide sr 64565

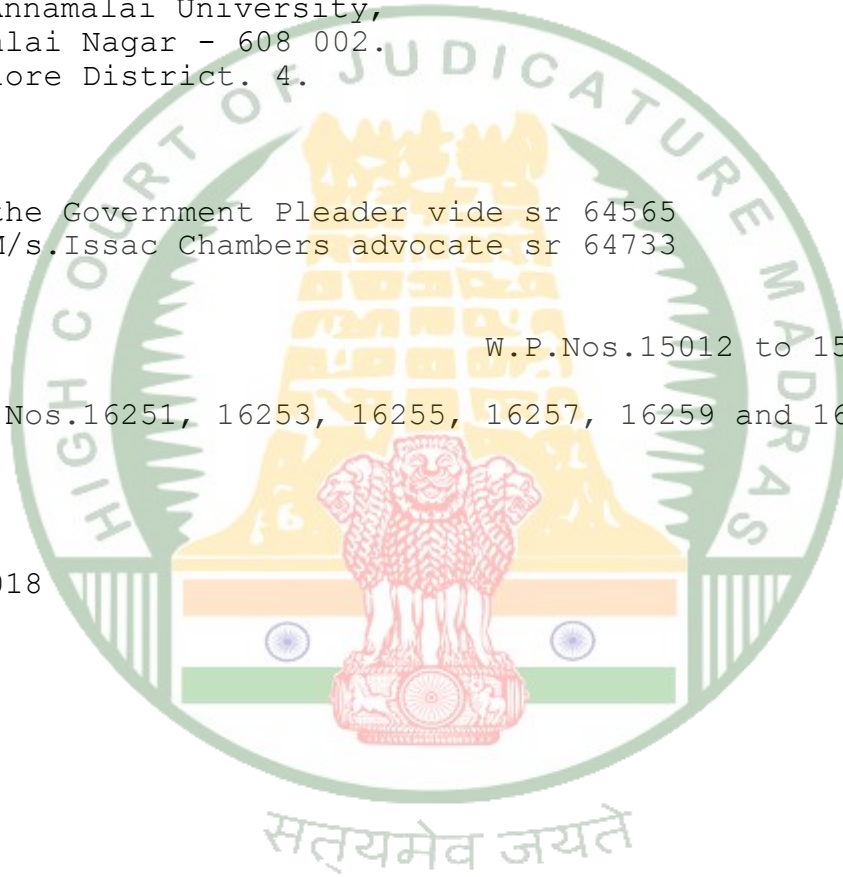
+1 cc to M/s.Issac Chambers advocate sr 64733

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