

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11233 of 2001

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the letter No.SPMVV/Estt/B.2001, dt.17-3-2001 issued by the second respondent as arbitrary and contrary to law and set aside the same and direct the respondents to pay full salary to the petitioner during her study leave sanctioned by the respondent-University from 01-11-1999 to 30-10-2001 in terms of the clarification issued by the Government vide letter No.07463/UE-I-1/2000 dated 3-7-2000 with all consequential benefits.

Heard Sri V.Jagapathi, learned counsel for the petitioner and Sri V.Vimal, learned Standing counsel for respondent University.

It has been contended by the petitioner that she was appointed as lecturer in the department of Computer Science in the respondent University on 13-02-1997. Thereafter, petitioner was selected and appointed as Reader vide proceedings dated 02-07-1992. She further submits that while she was discharging her duty, the University vide letter dated 23-05-1998 directed the petitioner to obtain Ph.D, otherwise appropriate action will be initiated against her. The petitioner left with no other option, had to pursue Ph.D in compliance to the direction issued by the University and had applied for study leave w.e.f 01-11-1999. The

respondent University was pleased to grant study leave so as to enable the petitioner to pursue her Ph.D. The grievance of the petitioner is that though the respondent University granted study leave, the same was granted on loss of pay instead of full pay. Petitioner further submits that when the respondent University has sought a clarification from the State Government vide letter dated 20-05-2000 and the Government vide letter dated 03-07-2000 had clarified that as per G.O.Ms.No.208 dated 29-06-1999, University employees are entitled to full pay upto two years extendable by one year at the discretion of University for doing Ph.D which will be useful to the University.

On contrary to the said clarification, the respondents have rejected the case of the petitioner vide proceedings dated 17-03-2001 and declined to treat the study leave of the petitioner as on duty with full pay and taken a decision to treat the study leave sanctioned to the petitioner as loss of pay. Aggrieved by the same, the present writ petition is filed.

It has been further contended by the petitioner that petitioner was granted another six months study leave during the pendency of this writ petition and the University is treating the entire period of study leave as loss of pay instead of full pay.

Learned Standing counsel appearing for the respondents had contended that the case of the petitioner was placed before the Executive council i.e., highest body and the Executive council passed a resolution stating that study leave can be sanctioned to

petitioner with loss of pay, as the University has to recruit and pay the guest faculty against the leave vacancy to teach the class work, for the deficit hours in the absence of petitioner. He further submits that in view of the resolution passed by the Executive council, the petitioner is not entitled for study leave with full pay and hence there are no merits in the writ petition and is liable to be dismissed.

This Court, having considered the rival submissions made by both the parties, is of the considered view that to meet the ends of justice, this writ petition can be disposed of by setting aside the impugned order dated 17-03-2001 and directing the respondent authorities to reconsider the entire issue of the petitioner independently by taking into consideration the clarification issued by the Government vide letter dated 03.10.2000 and as per G.O.Ms.No.208 dated 29-06-1999 and pass appropriate orders within a period of four (04) weeks from the date of receipt of copy of this order.

With the above observations, Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

ABHINAND KUMAR SHAVILI,J

Dt: 12.11.2018
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