

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.03.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.5855 & 5861 of 2019

and

W.M.P.Nos.6689, 6691, 6697, 6699 of 2019

Dr.R.S.Ravichandran ..Petitioner in W.P.No.5855 of 2019

Dr.M.Purushothaman ..Petitioner in W.P.No.5861 of 2019

vs

1.The Principal Secretary,
Higher Education Department
Secretariat, Chennai - 600 009

2.The Commissioner of Technical Education,
53, Sardar Patel Road
Guindy, Chennai, Tamil Nadu - 600 025.

3.The Annamalai University,
Rep.by its Registrar,
Annamalai Nagar - 608 002.
Cuddalore District. ...Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating proceeding of the 2nd respondent in Proceedings No.45778/A2/2018 Dated 14.02.2019 and the order of the 3rd respondent in University Order No.59/2019 CC dated 22.02.2019 and quash the same, consequently issue direction to respondents to allow the petitioner to serves as Assistant Professors based on seniority and total approved sanctioned strength in the department of Civil and Structural Engineering in the 3rd respondent University.

For Petitioners : M/s.T.Dharani (in both W.Ps)

For Respondents : Mr.V.Kathirvelu
R1 and R2 Special Government Pleader
(in both W.Ps)

C O M M O N O R D E R

The order of deputation issued to the writ petitioners in proceeding dated 14.02.2019, treating the petitioners as surplus staffs is under challenge in these writ petitions.

2. The learned counsel for the writ petitioners states that, the petitioners were appointed through Civil and Structural Engineering Board of Selection. University authority erroneously deputed the petitioners and treated them as the staffs belongs to the some other 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 Civil and Structural Engineering and therefore, they cannot be deputed to the some other department in some other college.

4. 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 Civil and Structural Engineering department.

5. 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 Civil and Structural Engineering Department is 20 in numbers. However, the staff members are already working in Civil and Structural Engineering Department more than above the sanctioned post.

6. The present strength itself is excess in respect of the Civil and Structural Engineering Department. Therefore, the writ petitioners cannot be retained in Civil and Structural Engineering Department of Annamalai University. After completion of three years, their cases will be considered based on its seniority and the seniority of the writ petitioners will be protected for the purpose of promotion and for all other benefits.

7. 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.

8. 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 of the seniority and by following rules in this regard.

9. 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 iii)

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Sub Assistant Registrar

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To

1.The Principal Secretary,
Higher Education Department
Secretariat, Chennai - 600 009

2.The Commissioner of Technical Education,
53, Sardar Patel Road
Guindy, Chennai, Tamil Nadu - 600 025.

+1cc to M/s.T.Dharani , Advocate SR.No. 23329

+1 cc to Government Pleader SR.NO. 23219

W.P.Nos.5855 & 5861 of
2019

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