

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19641of 2019

and

W.M.P.No.19168 of 2019

M.Anandhan

... Petitioner

Vs.

1. Union of India
Rep. by the Secretary to the Government
Ministry of Human Resource Development
New Delhi
2. The Secretary to Government
Department of Revenue
Government of Pondicherry
Pondicherry
3. The Vice Chancellor,
Pondicherry University
Kalapet,
Pondicherry 605 014
4. The Registrar
Pondicherry University
Kalapet,
Pondicherry 605 014

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to absorb and appoint the petitioner based on the qualification of the petitioner either in Group 'C' or 'D' appropriate posts in the third respondent University/Pondicherry University in the existing and future vacancies in view of the lands acquired from the petitioners family for the establishment of Pondicherry University and also on considering the Minutes of the Meeting dated 18.05.1989 and 12.12.2017.

For Petitioners : Mr.R.Venkatesulu

For Respondents : Mr.S.S.Pajani Radja, CGSC for R1
Mr.A.V.Ramalingam, AGP for R2
Ms.N.Mala,
Standing Counsel for R3 &4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to absorb and appoint the petitioners based on the qualification of the petitioners either in Group 'C' or 'D' appropriate posts in the third respondent University/Pondicherry University in the existing and future vacancies in view of the lands acquired from the petitioners family for the establishment of Pondicherry University and also on considering the Minutes of the Meeting dated 18.05.1989 and 12.12.2017.

2.It is the case of the petitioner that his land was acquired by the Government of Pondicherry, Directorate of School Education, Central University, for establishment of the University in 780 acres. The petitioner's lands was acquired vide Award No.1/86 dated 28.02.1986 and allotted for the establishment of the Pondicherry University in Pillaichavady Revenue Village. On 18.05.1989 at 5.00p.m., a meeting was conducted and the minutes were recorded in the presence of the Hon'ble Chief Minister regarding provision for employment opportunity to the members of the families whose lands were acquired for the establishment of University at Pillaichavady, Kalapet, Pondicherry. In the minutes, the Hon'ble Chief Minister participated along with the Secretary, Revenue and Chief Secretary to the Government, wherein in Phase II it has been unanimously agreed to offer employment to the affected families in the University, particularly in Group 'C' and 'D' category to the extent that were available and in accordance with the requirements of basic educational qualification.

3. It is the further case of the petitioner that though some of the land losers have got employment, however, the petitioner has not been considered for employment till date. Hence, the present Writ Petition has been filed.

4.The learned counsel appearing for the petitioner would submit that though there is no scheme available for providing the employment in the Group 'C' and 'D' posts, however, the Hon'ble Chief Minister as well as Secretary conducted meeting in order to provide employment to the land losers in Group 'C' and 'D' posts in the University. After several representations made

by the petitioner, the University has directed the petitioner to apply for the specific post if any notification is made. However, till date the petitioner's grievance was not settled. He would further submit that as on date 782 posts are available in the University and the employment to the petitioner under land losers category was not considered. Hence, the learned counsel for the petitioner prayed this Court to direct the respondents to appoint the petitioner in Group 'C' or 'D' posts by allowing this Writ Petitions.

5. Mrs. N. Mala, learned Standing Counsel appearing for the respondent University would submit that as on date no scheme was framed to provide employment under Group 'C' and 'D' posts. She would produce the details prepared by the University, wherein, it is stated that the UGC stipulation for Teaching and Non-Teaching posts is in the ratio of 1:1.1. But the Pondicherry University has exceeded this ratio and presently it is 1:1.5 - 1:1.6. Accordingly, the University has taken decision on land affected issues as this is an old issue, this cannot go on forever and so matter was treated as closed on 28.04.2018. Therefore, the request for job under Land Affected Category will not be entertained with effect from 28.04.2018 by the Pondicherry University. Therefore, learned Standing Counsel sought for the dismissal of this Writ Petition.

6. Heard the parties and perused the papers.

7. A perusal of the records would reveal that the lands were acquired from the petitioner and the award was passed in the year 1986. However, the grievance of the petitioner was not settled as per the minutes of meeting dated 18.05.1989, conducted by the Hon'ble Chief Minister as well as the Secretary to the Government for getting job opportunity from the University. It is also seen that the Pondicherry University has closed the issue and decided that job under Land Affected Category will not be entertained with effect from 28.04.2018 by them.

8. Accordingly, the writ petition stands dismissed. However, liberty is granted to the petitioner to workout the remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

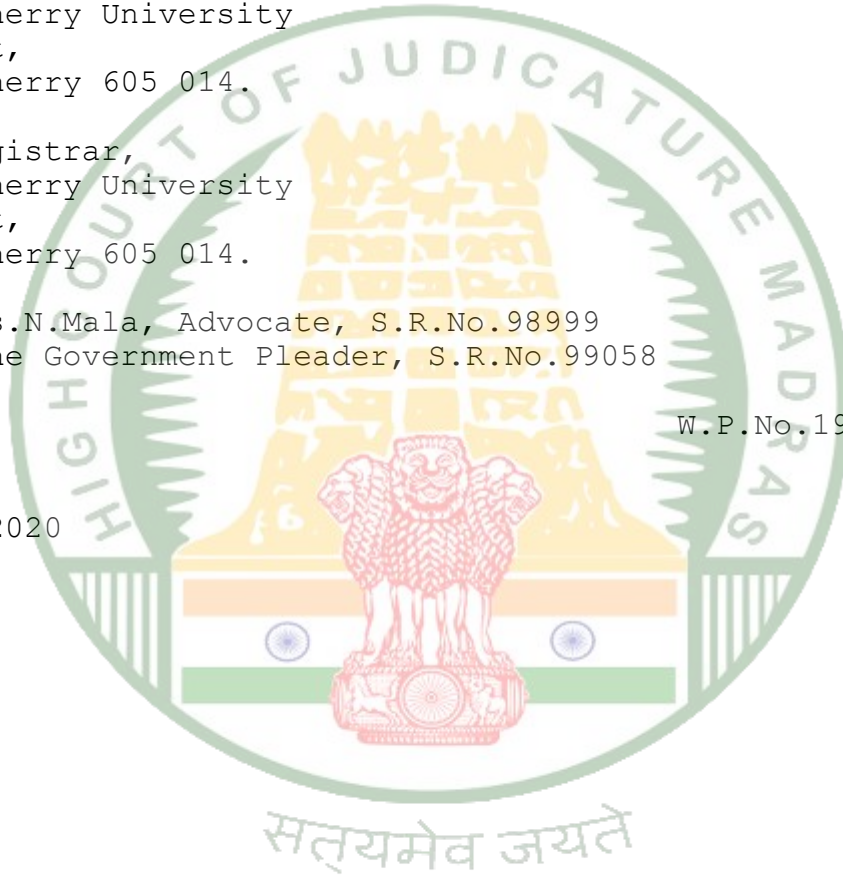
1. The Secretary to the Government
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+1cc to Ms.N.Mala, Advocate, S.R.No.98999

+1cc to the Government Pleader, S.R.No.99058

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SR(CO)
CS/02/01/2020



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