

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.19618, 19626, 19628, 19631 and 19632 of 2019
And
W.M.P.Nos.19137, 19140, 19145, 19153 and 19154 of 2019

K.Jayaseelan ... Petitioner in W.P.19618/2019
K.Valli ... Petitioner in W.P.19626/2019
L.Padmini ... Petitioner in W.P.19628/2019
Govindharaj ... Petitioner in W.P.19631/2019
Mourougane ... Petitioner in W.P.19632/2019

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 in all W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a 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.

For Petitioners: Mr.R.Venkatesulu

For Respondents: * **Mr.S.S.Palani Raja for R1**
Mr.A.V.Ramalingam, AGP for R2
Ms.N.Mala, AGP (Pondy) for R3 & R4

C O M M O N O R D E R

The petitioners have filed these writ petitions 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 petitioners that their lands were acquired by the Government of Pondicherry, Directorate of School Education, Central University, for establishment of the University in 780 acres. The petitioners lands were 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 petitioners that though some of the land losers have got employment, however, the petitioners have not been considered for employment till date. Hence, these present Writ Petitions have been filed.

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

5. Mrs.N.Mala, learned Additional Government Pleader 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 Additional Government Pleader sought for the dismissal of these Writ Petitions.

6. Heard the parties and perused the papers.

7. A perusal of the records would reveal that the lands were acquired from the petitioners and the award was passed in the year 1986. However, the grievances of the petitioners were 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 petitions are dismissed. However, liberty is granted to the petitioners to workout their remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are also closed.

-s/d-
Assistant Registrar
Dated: 03/12/2019

***Corrected as per order
dated 13.01.2020 made herein**

-s/d-
Assistant Registrar
Dated: 03/12/2019

True Copy

Sub-Assistant Registrar

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To

1.The Secretary to the Government
Ministry of Human Resource Development
New Delhi.

2.The Secretary to Government
Department of Revenue
Government of Pondicherry
Pondicherry.

To be Substituted to the
order already depatched
On 10.01.2020

3.The Vice Chancellor,
Pondicherry University
Kalapet,
Pondicherry 605 014.

4.The Registrar,
Pondicherry University
Kalapet,
Pondicherry 605 014.

+5 ccs to M/s.Usha Raman Advocate sr92329 to 92331 to 92333
+1 cc to M/s.N.Mala Advocate sr92979

W.P.Nos.19618, 19626, 19628,
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