

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
and  
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.Nos. 2033, 2039 to 2043, 2045,  
2047 to 2051, 2053 & 2055 of 2019

&

C.M.P.Nos.13705, 13706, 13738, 13739, 13741 to 13743, 13746 to  
13749, 13751, 13754, 13755, 13757 to 13760, 13762, 13764,  
13765, 13768, 13769, 13787, 13788, 13886 & 13890 of 2019

W.A.No.2033 of 2019

|                    |                                        |
|--------------------|----------------------------------------|
| Dr.M.Devi          | ... Appellant                          |
| S.Chandrarajan     | ... Appellant in WA 2039/19/Petitioner |
| D.ILAKKIASSELVAN   | ... Appellant in WA 2040/19            |
| H.KAREEMULLAH      | ... Appellant in WA 2041/19            |
| R.MANIKANDAN       | ... Appellant in WA 2042/19            |
| P. SRINIVASAN      | ... Appellant in WA 2043/19            |
| M. SOWMIYA         | ... Appellant in WA 2045/19            |
| V.KALAIPOONGUZHALI | ... Appellant in WA 2047/19            |
| J.G.PRAVEEN RAJ    | ... Appellant in WA 2048/19            |
| R.SUNDHARESAN      | ... Appellant in WA 2049/19            |
| Dr.E.HEMANANTHAN   | ... Appellant in WA 2050/19            |
| K.VENKATESWARAN    | ... Appellant in WA 2051/19            |
| K.KANDASAMY        | ... Appellant in WA 2053/19            |
| V.BHARANIDHARAN    | ... Appellant in WA 2055/19            |

-vs-

The State of Tamil Nadu,  
Rep. by its Principal Secretary to Government,  
Higher Education Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.

..R1 in all WAs

The Registrar,  
Anna University,  
Guindy,  
Chennai - 600 025.

..R2 in all WAs

The Dean,  
University College of Engineering Pattukkottai,  
(Constituent College of Anna University, Chennai),  
Pattukkottai 614701,  
Thanjavur District

..R3 in WA No.2039/19, 2042/19

The Dean,  
University College of Engineering Villupuram,  
(Constituent College of Anna University, Chennai),  
Villupuram District 605103

..R3 in WA No.2040/19, 2053/19

The Dean,  
University College of Engineering Arni,  
(Constituent College of Anna University, Chennai),  
Arni, Thiruvannamalai District - 632 326.

..R3 in WA 2041/19, 2045/19, 20331/19, 2043/19

The Dean,  
University College of Engineering Thirukkuvalai,  
(Constituent College of Anna University, Chennai),  
Thirukkuvalai,  
Thiruvarur District

..R3 in WA 2047/19, 2049/19

The Dean,  
University College of Engineering Kancheepuram,  
(Constituent College of Anna University, Chennai),  
Kancheepuram and District 631552

..R3 in WA 2048/19, 2051/19, 2055/19

The Dean,  
Regional Campus Coimbatore  
(Anna University, Chennai),  
Coimbatore 641046

..R3 in WA 2050/19

32940/18, 32897/18, 32923/18, 32930/18, 32916/18, 32889/18,  
32911/18, 32899/18, 32941/18, 34079/18, 32924/18, 32882/18,  
32895/18

Write Appeal filed under Clause 15 of Letter Patent against  
the order in W.P.No.32875 of 2018 dated 22.04.2019 on the file  
of the High Court of Judicature at Madras.

Prayer in WP No.34079, 32875, 3282, 32889, 32895, 32899,  
32911, 32916, 32923, 32924, 32930, 32941 of 2018 : Writ  
Petition filed under Article 226 of the Constitution of India  
praying to issue a writ of certiorified mandamus, to call for  
the records relating to the impugned proceedings issued by the  
2<sup>nd</sup> respondent in

Procs.No.001/CCC-1/RCCBE/TF/2018  
Procs.No.001/CCC-1/UCEA/TF/2018  
Procs.No.001/CCC-1/UCEA/TF/2018  
Procs.No.001/CCC-1/UCEA/TF/2018  
Procs.No.001/CCC-1/UCEK/TF/2018  
Procs.No.001/CCC-1/UCEK/TF/2018  
Procs.No.001/CCC-1/UCETKV/TF/2018  
Procs.No.001/CCC-1/UCEA/TF/2018  
Procs.No.001/CCC-1/UCEA/TF/2018  
Procs.No.001/CCC-1/UCEK/TF/2018  
Procs.No.001/CCC-1/UCEPKT/TF/2018  
Procs.No.001/CCC-1/UCETKV/TF/2018

respectively dated 05.09.2018 and to quash the same in so far as clause No.11 is concerned and consequently directing the respondents to allow the petitioner for further continuance of service on par with other similarly placed Teaching fellows on need basis as ordered, with consequential benefits.

Prayer in WP No.32897 and 30940 of 2018 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorified mandamus, to call for the records relating to the impugned proceedings issued by the 2nd Respondent in

Procs.No.001/CCC-1/UCEA/VF/ 2018

Procs.No.001/CCC-1/UCEPKT/VF/2018

respectively dated 5.9.2018 and to quash the same in so far as clause No.11 is concerned and consequently directing the Respondents to allow the petitioner for further continuance of service on par with other similarly placed visiting faculty on need basis as ordered, with consequential benefits

For Appellants : Mr.G.Sankaran  
For Respondents : Ms.Narmada Sampath  
Additional Advocate General

assisted by  
Mr.L.P.Shanmugasundaram  
Standing counsel R2

Mr.C.Munusamy  
Special Government Pleader  
(Education) R1

#### J U D G E M E N T

[Judgement of the Court was delivered by P.T.ASHA,J.]

These Intra-Court appeals are filed by the unsuccessful Writ petitioners in W.P.Nos.34079 of 2018 etc,.

2. The above Writ Petitions were filed challenging the notice issued to various Writ petitioners on 05.09.2018. One of the grounds of challenge to the above notice was that similarly placed employees had been issued with appointment orders in which it was indicated that the further continuance beyond 31.12.2018 would be assessed on need basis and on the policy in force at that point of time. However, in the case of the appellants herein, the clause has been omitted and it has been stated that they would not be engaged beyond 31.12.2018.

3. Since the impugned order discriminated between persons similarly situated and as the respondents had sought to bring to an end the services of the appellants who have all worked for over 7 years the aggrieved employees had filed the Writ Petitions, the order of which are the subject matter of the present Writ Appeals.

4. The learned Single Judge by order dated 22.04.2019 had proceeded to dismiss the Writ Petitions on the ground that the appellants were appointed only on contract basis on a consolidated salary and their initial appointment had not been made as per the recruitment rules of the University and therefore they were not entitled to the relief claimed in the Writ Petitions.

5. When the Appeals came up on 18.07.2019, the standing counsel for the Anna University had submitted that totally 476 contract employees were engaged by them and that on reviewing the qualifications only 440 of them were found to have the requisite qualification as prescribed by the AICTE and the remaining 36 did not meet the eligibility criteria.

6. The learned counsel for the appellants had pointed out that in respect of 440 candidates a notice had been given in the appointment order that continuance beyond 31.12.2018 will be assessed on need basis and the same had not been extended to the 36 employees.

7. The respondents have also not been able to place any materials before this Court to show that notice was given to these 36 employees before verification of their qualification. The standing counsel for the University sought time to produce necessary materials. The matter was directed to be listed on 01.08.2019.

8. On 16.08.2019, the Registrar of the Anna University had filed an affidavit, wherein, it was stated that the appellants would be issued individual notices asking them to show cause as to why they should not be disqualified for appointment on the ground that they did not possess the qualification as prescribed by the regulations framed by the AICTE. This Court had directed the notices to be served directly on learned counsel Mr.G.Sankaran appearing on behalf

of the appellants indicating that they would be given a week's time for submitting explanation and the matter was directed to be listed today.

9. When the matter was taken up today the learned Additional Advocate General had produced a copy of the notice issued by the Anna University to each of the appellants calling upon them to submit their explanation within a period of 7 days from the date of receipt of the show cause notice. The learned counsel for the appellants had also admitted the receipt of the notices.

10. The appellants are directed to submit their explanations on or before 09.09.2019 and participate in the personal hearing scheduled to be held on 17.09.2019. The University shall pass orders thereafter on or before 30.09.2019 and a copy of the same shall be forwarded to the appellant.

11. The Writ Appeals are disposed of on the above lines. No costs. Consequently, connected Civil Miscellaneous Petitions are also closed.

Sd/-  
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,  
Higher Education Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.
- 2.The Registrar,  
Anna University,  
Guindy,  
Chennai - 600 025.
3. The Dean,  
University College of Engineering Arni,  
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- 4.The Dean,  
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Pattukkottai 614701,  
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5. The Dean,  
University College of Engineering Villupuram,  
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Villupuram District 605103
6. The Dean,  
University College of Engineering Thirukkuvalai,  
(Constituent College of Anna University, Chennai),  
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Thiruvarur District
7. The Dean,  
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(Constituent College of Anna University, Chennai),  
Kancheepuram and District 631552
8. The Dean,  
Regional Campus Coimbatore  
(Anna University, Chennai),  
Coimbatore 641046

+1cc to Mr.G.Sankaran, Advocate SR.No.75906

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.76039

+1cc to Government Pleader SR.No.76522

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JP(CO)  
GMY(15/11/2019)