

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.03.2019

CORAM

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

W.P.No.17846 of 2018

C.R.Senthilkumar

...Petitioner

-Vs-

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram - 608 002.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the University Order No.661 / 2017 (c), dated 15.05.2017 issued by respondent and quash the same as unconstitutional, arbitrary, unreasonable, being violative of the rules and principles of natural justice and thereby direct the respondent herein to reinstate the petitioner in Annamalai University.

For Petitioner : Mr.Lakshmidevi Somanath

For Respondent : Mr.P.Godson Swaminath
for M/s.Isaac Chambers

O R D E R

The order of deputation dated 15.05.2017, deputing the writ petitioner for a period of three years is under challenge in the present writ petition.

2. The fact remains that the writ petitioner is yet to be completed two years of service in the deputed post. However, the learned counsel for the writ petitioner states that many other junior persons are retained in Anna Malai University.

3. The learned counsel for the writ petitioner states that the junior to the writ petitioner are retained in Anna University and the writ petitioner was erroneously treated as a surplus candidate.

4. This Court has already dealt with the issue in W.P.No.13429 of 2017, dated 07.08.2018 and the relevant

paragraphs are extracted hereunder:

"3.Learned counsel appearing on behalf of the Annamalai University made a submission that nearly 12,500 employees are now working in Annamalai University and after the University was taken over by the Government, there were certain re-arrangement in respect of deputing of the employees and the employees working in various cadres in other Government Colleges were ascertained and the junior employees and the professors were deputed to some other colleges in order to regulate the entire administration. Professors and employees were appointed in Annamalai University over and above the required strength and the Government treated all these employees as surplus and posted in some other Government institutions in the State. While undertaking the process of administration, the writ petitioner was treated as surplus and now posted in Government Arts College for women, Kumbakonam.

4.Firstly, it is not a far off place. Secondly, the writ petitioner worked as an Assistant Professor and he is now posted in Government Arts College. This apart, the persons who are all juniors to the writ petitioner retained in Annamalai University have not been impleaded as parties to establish that the writ petitioner is senior to those persons. In the absence of impleading all junior Assistant Professors who are retained in Annamalai University contrary to the principles as respondents in the writ petition, this Court will not be in a position to accept the submission made on behalf of the writ petitioner. This apart, the seniority of the writ petitioner will not be affected on account of his posting at Government Arts College for women, Kumbakonam.

5.Learned counsel appearing on behalf of the University stated that the posting of the writ petitioner in Government Arts College is for a period of three years and already the writ petitioner has served one year at Kumbakonam. This being the factum of the case, this Court has to draw an inference that on account of administrative reasons and in order to settle the administration after taking over by the Government such order is passed and the same cannot be construed as an illegality in the absence of establishing that the same was passed contrary to the rules and in violation of the legal principles. In this view of the matter, the case of the writ petitioner shall be considered for any other posting after completion of three years of period.

6. In respect of the contention of the writ petitioner that two juniors were retained in Annamalai University, it is contended that these two Assistant Professors were appointed contrary to the UGC Regulation and they are not qualified to hold the post of Professors. Show cause notices were issued to them and disciplinary proceedings were initiated. Even if the disciplinary proceedings are not initiated, it is the duty mandatory on the part of the authorities to initiate the disciplinary proceedings if the professors and Assistant Professors are appointed in violation of the UGC Regulations. Thus, the writ petitioner cannot compare the other two persons, who are retained in Annamalai University against whom disciplinary proceedings are initiated as they are not qualified to hold the post of Assistant Professors.

7. In this view of the matter, the relief as sought for in this writ petition cannot be granted. Accordingly, this writ petition is dismissed. No costs."

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.
Pns

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Registrar,
Annamalai Universtiy,
Annamalai Nagar,
Chidambaram - 608 002.

+1cc to M/s.Isaac Chambers, Advocate, SR.No.27725
+1cc to Mr.N.Surya Senthil, Advocate, SR.No.28383

W.P.No.17846 of 2018

Kak(04/07/2019)