

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18941 of 2019

and

W.M.P.Nos.18294 and 18380 of 2019

B.Venugopal

.. Petitioner

Vs.

1.The Vice Chancellor,
University of Madras,
Chepauk,
Chennai- 600 005.

2.The Registrar,
University of Madras,
Chepauk,
Chennai-600 005.

3.The Secretary,
University Grants Commission,
Bhagadur Shah Zafar Marg,
New Delhi-110 002.

4.David Ambrose,
Head of Department,
Department of Legal Studies,
University of Madras,
Chepauk,
Chennai- 600 005.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records in connection with the impugned Official Communication No.D1(B)/TE/2019/465 dated 07.06.2019 issued by the second respondent and quash the same and consequently direct the second respondent to appoint the petitioner as the Head of the Department of Legal Studies.

For Petitioner : Mr.Jerry V.V.Sundar

For R1 and R2 : Mr.L.P.Shanmugasundaram

ORDER

This writ petition has been filed to call for the records in connection with the impugned Official Communication No.D1(B)/TE/2019/465 dated 07.06.2019 issued by the second respondent and quash the same and consequently direct the second respondent to appoint the petitioner as the Head of the Department of Legal Studies.

2.The case of the prosecution is that the petitioner joined service as Assistant Professor in the Madras University in 2004 and promoted as Professor in the Department of Legal Studies. The fourth respondent herein is the Head of the Department of Legal Studies and he was retired from service on 02.07.2019 in superannuation. The petitioner is the senior to become the Head of the Department of Legal Studies.

3.In the meantime, the second respondent has been issued an official communication dated 07.06.2019, to extend the service of the fourth respondent. Therefore, the petitioner sent a representation dated 23.04.2019 to the second respondent stating that re-employed superannuated teachers shall not be eligible for holding administrative or financial responsibilities at the institution. But, by the impugned Official Communication No.D1 (B)/TE/2019/465 dated 07.06.2019, the second respondent stated as follows:

"Dr.B.Venugopal, Professor, Department of Legal Studies is informed that his request to place him as next Head of the Department, as Dr.David Ambrose, Professor and present Head of the Department superannuates on 02.07.2019 is not feasible of compliance as the Syndicate at its meeting held on 22.04.2010 has taken a policy decision with regard to the Heads of the departments who are in re-employment terms and conditions be continued to hold the Headship of the respective Departments and also their memberships in the Senate and the Academic Council, till the completion of Academic Year i.e.,30th June."

4.The learned counsel for the petitioner would submit that the re-employment of the fourth respondent is against the UGC

norms, whereas the UGC norms clearly states that the "however re-employed superannuated teacher shall not be eligible for holding administrative or financial responsibilities at the institution or elsewhere". Therefore, seeking the quashment of the impugned notification dated 07.06.2019 issued by the second respondent, this writ petition is filed.

5.The learned counsel appearing for the first and second respondents submitted that since the fourth respondent who is the present Head of the Department, going to retire in the middle of the academic year, for the benefit of the students, he is allowed to continue in the same post till the end of the academic year. He further submitted that the fourth respondent is having no administrative or financial responsibility in his post and there is nothing wrong in the re-employment of the fourth respondent as the Head of the Department till the academic year.

6.Considering the facts and circumstances of this case, this Court is of the view that this Court cannot interfere with the impugned proceedings dated 07.06.2010. Even as per the UGC norms, there is no complete prohibition for re-employment. However, re-employed teachers and professors are not eligible for holding administrative or financial control. Hence, the grievance of the petitioner is unreasonable and the same cannot be entertained. On on expiry of the re-employment of the fourth respondent, the petitioner's promotion will be considered as per the rules in force.

7.Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

TO:

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Chennai- 600 005.

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University of Madras,
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3.The Secretary,
University Grants Commission,
Bhagadur Shah Zafar Marg,
New Delhi-110 002.

+1cc to Mr.M.Govindaraju, Advocate SR.NO. 80785
+1cc to Mr.L.P.Shanmugasundaram, Advocate sr.81117

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nr 01/11/2019



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