

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33402 of 2019

Dr.S.Murugappan

... Petitioner

Vs.

The Tamil Nadu Open University,
Rep. by its Registrar,
No.557, Anna Salai, Saidapet,
Chennai-600 015

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to direct the respondent to consider the petitioner's representation dated 13.03.2019 within a time frame fixed by this Court.

For Petitioner : Mr.L.Parvinbabu

For Respondent : Mr.P.Godson Swaminathan

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner was appointed as Programmer in Department of Computer Science and Engineering in the Annamalai University in 2004 and then he was posted as Programmer in study centre, Egmore, Chennai and presently he is working as an Assistant Director on deputation in Tamil Virtual Academy, because he was surplus staff in the Annamalai University. In 2013, the respondent issued advertisement for the post of Associate Professor in School of Computer Science. The petitioner applied for the same with prior permission from the Annamalai University. On 27.02.2014, he was appointed as an Associate Professor in Tamil Nadu Open University and joined duty on 26.03.2014. Thereafter he decided to get permanent absorption in Tamil Nadu Open University and he expressed the same on 30.10.2014, which was placed before two syndicate meetings held on 28.01.2015 and 10.07.2015. It was deferred since there was one more year to complete the probation

and it can be considered in the next meeting. Thereafter Annamalai University has given its consent to get permanently absorbed in Tamil Nadu Open University. In spite of all these things, even after completion of two years probation period, the respondent relieved him without getting any proper approval from the Syndicate, which is the competent authority under the TNOU Act, 2002. Against the said relieving order, the petitioner has preferred appeal before the Syndicate on 16.06.2016. But till date the appeal has not been considered by the respondent. Therefore, the petitioner made representation on 13.03.2019 to the respondent, which has also not been considered so far. Hence, the petitioner has filed the present petition.

3. Heard both sides.

4. The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the respondent to consider the appeal of the petitioner dated 16.06.2016 and pass orders, within a stipulated time fixed by this Court.

5. Considering the limited prayer sought for by the petitioner, this Court without going into the merits of the case, directs the respondent to consider the petitioner's appeal dated 16.06.2016 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Registrar,
Tamil Nadu Open University,
No.557, Anna Salai, Saidapet,
Chennai-600 015.

+1cc to M/s.P.Parvin Banu, Advocate Sr.99715
+1cc to M/s.Isaac Chambers, Advocate Sr.100161

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kj[co]
srg 07/01/2020