



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.14475 and 14476 of 2019

and

W.M.P. (MD) Nos.10905 to 10908 of 2019

S.Thirumurugan

... Petitioner in W.P. (MD) No.14475 of 2019

K.Elangovan

... Petitioner in W.P. (MD) No.14476 of 2019

-Vs-

The Registrar,
Bharathidasan University,
Palkalaiperur,
Trichy-620 024.

...Respondent in both W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned notification passed by the respondent vide Ref.No.1906/H5/2019 dated 20.06.2019 and quash the same as illegal, arbitrary and in violation of principles of natural justice.

For Petitioner

: Mr.D.Boopal

(in both W.Ps.)

For Respondents

: Mr.V.R.Shanmuganathan,

(in both W.Ps.)

Standing Counsel

COMMON ORDER

The notification, issued on 20.06.2019, inviting applications for engagement of guest faculty purely on temporary and consolidated basis, is under challenge in the present Writ Petitions.

2.The impugned notification categorically enumerates that permanent employment in future cannot be claimed. Thus, the very notification is intending to engage guest faculty on temporary and consolidated basis through walk-in-interview procedures.

3.Regular recruitment cannot be done through walk-in-interview process. Regular recruitment to the post of Lecturer, Assistant Professor etc., has to be done strictly in accordance with the procedures contemplated and by following the UGC regulations in this regard. Thus, all regular appointments in a sanctioned post are to be done strictly in accordance with the UGC regulations. However, certain circumstances arise in the



University to engage guest faculty for conducting certain special courses or certain regular courses. Engagement of guest faculty is also not prohibited under the UGC regulations. However, the process for regular selection is not narrated for the purpose of engaging guest faculty on temporary and consolidated basis.

WEB COPY

4.The grievance of the writ petitioners is that already they have engaged as guest faculty and instead of extending their service, recruitment is notified for the recruitment of new guest faculty.

5.When the notification for guest faculty is notified with regard to the terms and conditions of service, the writ petitioners cannot have any claim more than the terms and conditions. When the writ petitioners were engaged as guest faculty, similar terms and conditions were imposed. Accepting those terms and conditions, the writ petitioners are working as guest faculty. Therefore they cannot seek any further continuance as guest faculty, which is impermissible with reference to the terms and conditions. However, if at all the regular notifications are issued for appointment to the sanctioned post, then the writ petitioners are at liberty to submit their application and participate in the process of selection and secure employment on merits and with reference to the UGC regulations in force.

6.This being the principles to be followed, fresh notification issued by the respondent University for engaging the guest faculty cannot be questioned by the writ petitioners, who are already working as guest faculty. This Court is unable to accept the cause of action for the purpose of moving the present Writ Petitions. The grievance of the writ petitioners that their service may be discontinued, cannot be provided any cause of action for challenging the fresh notification issued to engage guest faculty on temporary and consolidated basis. Thus, the terms and conditions of the appointment of the writ petitioners are to be strictly followed by the respondent university for the purpose of dealing with the cases of guest faculty.

7.Under these circumstances, the writ petitioners have not established any acceptable legal ground for the purpose of interfering with the notification impugned in the present Writ Petitions for the purpose of engaging the guest faculty on temporary and consolidated basis. The writ petitioners are at liberty to participate in the process of selection, if any regular recruitment notifications are issued for the purpose of filling up the sanctioned post in the regular time scale of pay. The writ petitioners are also at liberty to participate in the walk-in-interview process in the present the impugned notification, if they are otherwise eligible and qualified with reference to the terms and conditions notified in the impugned notification. This Court wishes the writ



petitioners to secure employment through merits and not through any back door entry method.

8. With these observations, these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

Myr

To
The Registrar,
Bharathidasan University,
Palkalaiperur,
Trichy-620 024.

W.P. (MD) Nos. 14475 and 14476 of 2019

01.07.2019

KS (11.07.2019) 3 P 2 C