



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A(MD)NO.851 OF 2019
and
C.M.P(MD)No.7273 of 2019

The Anna University,
represented by its Registrar,
Sardar Patel Road,
Chennai. 600 025.

:Appellant/Respondent

.vs.

Dr.J.Roselin,
Wife of D.Jones Rajan,
Assistant Professor,
Department of Computer
Science Engineering,
Anna University,
Tirunelveli - 627 007.

: Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.9686 of 2019, dated 23.4.2019.

Prayer in WP(MD).No.9686/ 2019 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a writ of
certiorari or any other appropriate writ or order or direction
particularly in the nature of writ, calling for the records
pertaining to the impugned orders passed by the respondent in Memo
No.67551/PR21/09, dated 05.04.2019 and Procs.No.351/PR26/2019/
Development dated 21.1.2019 and quash the same

For Appellant

: Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.M.Rajarajan
Government Advocate

For Respondent

: Mr.M.Saravanan

**JUDGMENT**

[Judgment of the Court was made by K.RAVICHANDRABAABU, J.]

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This Writ Appeal is directed against the order made in W.P(MD) No.9686 of 2019, dated 23.4.2019. The appellant is the respondent before the Writ Court. The Writ Court allowed the Writ Petition to the extent indicated in the said order.

2. Heard the learned Additional Advocate General for the appellant.

3. Though the learned Additional Advocate General raised a point with regard to an observation made by the Writ Court in respect of seniority position of the Writ Petitioner, We are not inclined to entertain this Writ Appeal only on the reason based on the consent given by the counsel appearing for the respondent therein, as observed at Paragraph 4 of the order, which reads as follows:

'The learned counsel appearing for the respondents fairly submitted that due to communication gap, the impugned order came to be passed and hence the same may be set aside and the matter may be remitted back to the first respondent for fresh consideration. He further submitted that while reconsidering the case, the seniority position of the Petitioners will be taken into account, as directed by this Court in the order dated 18.2.2018 passed in W.P(MD)Nos.2083, 2084 and 2358 of 2019 filed by the Petitioners herein on earlier occasion.'

4. Therefore, when a consent order is made as stated supra, we are of the view that the appellant is not entitled to file a Writ Appeal and seek for hearing the matter on merits. If the appellant contends that the consent given is not to the effect as observed in the order, it is for him to go before the concerned learned Judge and seek for either review or clarification. Without doing so, we find that the filing of the present Writ Appeal is not a proper course of action.

5. With the above observation, this Writ Appeal is disposed of without expressing any view on the merits of the claim made by the appellant, as we find that the order passed by the Writ Court is a consent order. This order will not stand in the way of the appellant, for seeking either review or clarification before the learned Judge, who passed the order impugned in this Writ Appeal. No



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costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To:

The Registrar,
Anna University,
Sardar Patel Road,
Chennai. 600 025.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-81045[F] dated 09/08/2019)

JUDGMENT MADE IN
W.A (MD) NO.851 OF 2019
and
C.M.P (MD) No.7273 of 2019
09.08.2019

vsn

JMN(30.08.2019) 3P : 3C