



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.2916 of 2018
and
W.M.P. (MD) No.14206 of 2018

I.Judith Petricia Jeyanthi

... Petitioner

-Vs-

1.The Vice Chancellor,
Bharathidasan University,
Palkalaiperur, Tiruchirappalli-620 024.

2.The Bharathidasan University,
Represented by its Registrar,
Palkalaiperur, Tiruchirappalli-620 024.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned proceedings of the second respondent in his proceedings in R.C.No.B1/027698/2009, dated 29.11.2017 and quash the same as illegal and consequentially direct the second respondent to promote the petitioner to the post of Assistant Registrar with all other attendant benefits w.e.f. 08.04.2010 i.e., date on which juniors were promoted.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.V.R.Shanmuganathan,
Standing Counsel.

ORDER

This Writ Petition is filed to quash the order of the second respondent dated 29.11.2017 and to direct him to promote the petitioner to the post of Assistant Registrar with all other attendant benefits w.e.f. 08.04.2010 i.e., date on which her juniors were promoted.

2.According to the petitioner, she was appointed as Junior Assistant on 16.06.1986 and was promoted as Assistant on 28.04.1990, subsequently as Superintendent on 25.02.1997. The next avenue of



promotion from the post of Superintendent is Assistant Registrar. The post of Assistant Registrar is filled up only by promotion. The qualification for being promoted as Assistant Registrar is atleast 4 years of experience as Superintendent. The petitioner was eligible to be promoted as Assistant Registrar. The petitioner and two other similarly placed persons filed W.P.(MD)Nos.4422 of 2010, 1840 and 1841 of 2011. All the Writ Petitions were dismissed, by the common order dated 15.12.2011. In the Writ Petitions, the respondents took a stand that the petitioner and two others are not eligible to be promoted as Assistant Registrar and Deputy Registrar on the ground that they obtained degree in open university without undergoing +2 course. One of the petitioners, namely, Ravikumar in W.P.(MD) No.4422 of 2010 has filed Writ Appeal in W.A.(MD)No.642 of 2012. The Division Bench of this Court, by the judgment dated 01.04.2015, allowed the Writ Appeal and held that qualification for promotion to the post of Assistant Registrar / Deputy Registrar is only 4 years experience in the feeder category and not any degree. Based on the said judgment, the said Ravikumar, who is the petitioner in W.P.(MD) No.4422 of 2010, was promoted as Deputy Registrar.

3.Meanwhile, the petitioner was promoted as Assistant Registrar on 03.11.2014. Immediately, when the said Ravikumar was promoted as Deputy Registrar, the petitioner gave a representation to the respondents to extend the same benefit to the petitioner also. The petitioner and similarly placed persons have approached the second respondent and requested him to extend the same benefit. The petitioner has filed W.P.(MD)No.18639 of 2017, for a direction to the respondents to promote the petitioner to the post of Assistant Registrar with all attendant benefits with effect from 08.04.2010, i.e., date on which her juniors were promoted. This Court, by the order dated 09.10.2017, directed the respondents to consider the representation of the petitioner on merits. The second respondent, by the impugned proceedings dated 29.11.2017, has rejected the representation of the petitioner on the sole ground that the Writ Petition in W.P.(MD)No.1841 of 2017 filed by the petitioner was dismissed and thereafter, no vacancy arose in the category of Assistant Registrar. Against the said order, the present Writ Petition is filed.

4.The learned counsel appearing for the petitioner contended that earlier request of the petitioner for promotion to the post of Assistant Registrar was rejected on the ground that the petitioner secured degree in open university without undergoing +2 course. The Writ Petitions filed by the petitioner and two others were dismissed, but, Writ Appeal in W.A.(MD)No.642 of 2012 filed by the said Ravikumar, who is the petitioner in W.P.(MD)No.4422 of 2010, was allowed and the common order passed in the Writ Petitions was set aside. When the respondents implemented the said judgment of this Court dated 01.04.2015, passed in W.A.(MD)No.642 of 2012 and promoted the said Ravikumar / petitioner in W.P.(MD)No.4422 of 2010, the petitioner is also entitled to the same benefit. Not extending



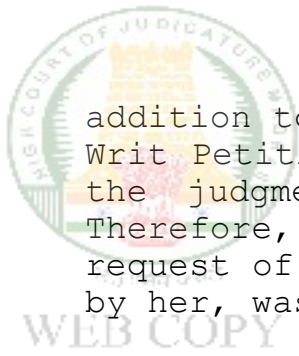
the said benefit, the second respondent has passed the impugned order, which is in violation of Article 14 of the Constitution of India and prayed for allowing the Writ Petition.

5.The learned Standing Counsel appearing for the respondents submitted that the Writ Petition filed by the petitioner in W.P.(MD) No.1841 of 2011 was dismissed. Thereafter, the petitioner did not file any appeal. The order of dismissal of the Writ Petition filed by the petitioner has become final. The judgment of this Court dated 01.04.2015 made in W.A.(MD)No.642 of 2012 relates to only the said Ravikumar and the petitioner is not entitled to seek the same benefit for herself. The post of Assistant Registrar was filled up in the year 2010 itself and one post reserved in the Writ Petition filed by the petitioner was filled up, after dismissal of the Writ Petition. Therefore, the petitioner is not entitled for promotion with effect from the year 2010. Subsequently, the petitioner was promoted in the year 2014 and prayed for dismissal of the Writ Petition.

6.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents and perused the materials available on record carefully.

7.From the materials on record, it is seen that the posts of Assistant Registrar and Deputy Registrar are filled up only by promotion. The qualification for the posts of Assistant Registrar and Deputy Registrar is only four years of experience in feeder category and no educational qualification is fixed as eligibility criteria. This Court, by the order dated 01.04.2015 made in Writ Appeal in W.A.(MD)No.642 of 2012, set aside the common order dated 15.12.2011 passed in three Writ Petitions, including the order passed in the Writ Petition filed by the petitioner and held that four years of experience in the feeder category is the criteria for promotion to the next higher post and qualification of degree is not necessary. Based on the said judgment made in W.A.(MD)No.642 of 2012, the said Ravikumar, who is the petitioner in W.P.(MD)No.4422 of 2010, was granted benefit and he was promoted as Deputy Registrar on par with his juniors. When this Court held that only four years of experience in feeder category is criteria for promotion, the petitioner is also entitled for the very same benefit. The second respondent erred in rejecting the request of the petitioner on the ground that the Writ Petition filed by the petitioner was dismissed and non availability of vacancy.

8.It is pertinent to note that when the second respondent has rejected the request of the petitioner for promotion in the year 2010 on the ground that she possessed degree in open university without undergoing +2 course, promoted the petitioner as Assistant Registrar in the year 2014. When such is the case, the petitioner is entitled to be promoted as Assistant Registrar in the year 2010 ~~as juniors were promoted as Assistant Registrars. In~~



addition to that the common order dated 15.12.2011 passed in all the Writ Petitions was set aside by the Division Bench of this Court by the judgment dated 01.04.2015 made in W.A.(MD)No.642 of 2012. Therefore, it is not open to the second respondent to reject the request of the petitioner on the ground that the Writ Petition filed by her, was dismissed.

9.For the above reasons, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

1.The Vice Chancellor,
Bharathidasan University,
Palkalaiperur, Tiruchirappalli-620 024.

2.The Registrar,
Bharathidasan University,
Palkalaipeur, Tiruchirappalli-620 024.

+1 CC to M/s.SPL GP (SR-93130[F] dated 18/10/2019)

+1 CC to M/s.S.MANIKANDAN, Advocate (SR-17884[I] dated 21/10/2019)

W.P. (MD)No.2916 of 2018
17.10.2019

JMN(12.11.2019) 4P : 5C