



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)Nos.5018 and 5019 of 2015

K.Pandi ... Petitioner in W.P.(MD)No.5018 of 2015
R.Boominathan ... Petitioner in W.P.(MD)No.5019 of 2015

-Vs-

1.Madurai Kamaraj University,
Represented by its Registrar,
Palkalai Nagar, Madurai-625 021.

2.The Co-ordinator,
DBT-MKU IPLS Programme,
Chairperson, School of Biological Sciences,
Madurai Kamaraj University,
Madurai-625 021. ... Respondents
in both Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 02.03.2015 on the file of the respondent No.2 and quash the same as illegal and consequently, for a direction directing the respondents to regularize the services rendered by the petitioners in the post of Lab Assistant from the date of initial appointment with all attendant and monetary benefits.

For Petitioner : Mr.T.Lajapathi Roy
(in both Writ Petitions)

For R1 : Mr.R.M.Makesh Kumaravel
(in both Writ Petitions)

For R2 : No Appearance
(in both Writ Petitions)

COMMON ORDER

The order impugned dated 02.03.2015, stating that contract appointment of the writ petitioners in the post of Lab Assistant came to an end on 31.03.2015, is under challenge in the present Writ Petitions.



2.The writ petitioners were appointed as Lab Assistant on contract basis for a specific period. The period of contract expired on 31.03.2015. Accordingly, the Co-ordinator, DBT-MKU IPLS Programme / second respondent issued an order on 02.03.2015, reliving the writ petitioners on the ground that the period of contract is expired on 31.03.2015.

3.This Court is of an opinion that when a candidate was appointed on contract basis for a specific period and on expiry of the contract period, he may not have any claim for further continuance or permanent absorption. When the writ petitioners accepted an offer of contract appointment, based on the terms and conditions, they cannot turn around and claim further continuance or permanent absorption in the sanctioned post. At the time of entering into the contract period, the writ petitioners had agreed for the terms and conditions and accordingly, accepted the contract and served till the expiry of the contract period. On expiry, they cannot move the Court for the purpose of granting extension of service or for permanent absorption.

4.Such course can never be accepted nor be encouraged. A person, who was appointed on contract basis, cannot claim any further preference or right in the matter of permanent absorption. All such permanent appointments are to be made strictly in accordance with the recruitment rules in force. If the writ petitioners are otherwise qualified and eligible, they are at liberty to participate in the process of selection, if any notified by the competent authorities. Contrarily, they cannot file Writ Petitions for the purpose of continuance of their contract employment or for the purpose of claiming permanent employment. The legal principles in this regard are well settled by the Constitution Courts. Under these circumstances, the writ petitioners are at liberty to participate in the process of selection, if any notified.

5.Under these circumstances, the writ petitioners have not established any legal grounds for the purpose of granting relief as such sought for in the present Writ Petitions. Accordingly, these Writ Petitions stand dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To
The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai-625 021.

WEB COPY

+1 CC to M/s.R.M. MAKESH KUMAR, Advocate (SR-83499[F] dated
27/08/2019)

+1 CC to M/s.SPL.GP (SR-83835[F] dated 28/08/2019)

+2 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-84346[F] dated
29/08/2019)

W.P. (MD)Nos.5018 and 5019 of 2015
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Myr
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