



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.19736 and 19737 of 2013

and

M.P. (MD) .Nos.1 and 1 of 2013

1.S.Jayalakshmi

2.K.Andiappan

... Petitioners in both W.Ps

-Vs-

1.The Manonmaniam Sundaranar University,
Rep by its Registrar,
Tirunelveli.

2.The Director (I/C)
Youth Welfare Department,
Manonmaniam Sundaranar University,
Tirunelveli.

...Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to permit the petitioners to discharge their duties as Yoga Instructor in the first respondent University continuously without any hindrance pursuant to their representation dated 03.10.2013.

For Petitioners in

both W.Ps : Mr.D.Srinivasaragavan

For R1 in both W.Ps : Mr.M.Mahaboob Athiff, for
M/s.Ajmal Associates

For R2 in both W.Ps : No appearance

COMMON ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to permit the petitioners to discharge their duties as Yoga Instructor in the first respondent University continuously.

2.The grievances of the writ petitioners is that they were engaged as Yoga Instructors in Manonmaniam Sundaranar University from 14.07.2006. However, the writ petitioners were discharged from service, orally, on account of the fact that the project came to an end.



3. The learned counsel appearing for the writ petitioners states that the salary dues are yet to be settled and in spite of the representations given by the writ petitioners, the respondent University has not paid the salary to the writ petitioners for the past many years.

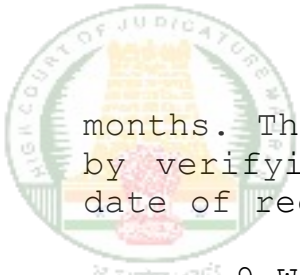
4. The learned counsel appearing for the writ petitioners states that the Yoga Instructor Service are very much required for the University and therefore, they should continuously engaged the writ petitioners for performing the duties and responsibilities of the Yoga Instructor.

5. The project itself was approved by the University Grant Commission, as per the 10th Planning Commission Report, the scheme of promotion of Yoga education and practice an positive health in Universities was the report of the Planning Commission. Accordingly, the scheme was formulated for the purpose of promoting the Yoga education in University. Thus, the writ petitioners were appointed under the scheme for a particular tenure and as well as till the end of the project. The project was implemented for a particular tenure and therefore, soon after, the project tenure is over, the employees, who all are engaged on temporary basis cannot be allowed to continue in service.

6. This apart, the promotion of Yoga education is a scheme and the scheme appointed employees cannot be treated as a University employee. Appointment to the University cadres sought to be made strictly in accordance with the recruitment rules in force and by following the procedure contemplated by the University Grant Commission. Thus, the engagement of the writ petitioners under special programme in a project cannot be construed as a regular appointment made in the University. However, such project appointments if continuing the cases of such experienced Teachers can be utilized for the benefit of conducting the programme successfully.

7. Undoubtedly, the writ petitioner seems to be an Yoga Teacher and in the event of undertaking any such project for the promotion of Yoga programmes, then the service of all such experienced Teachers with reference to the qualification and terms and conditions of their services may be utilized by the University for the better implementation of such special programme. However, the writ petitioners cannot be treated as regular employees of the University and such project related appointments are made specifically to complete the project and on completion of project, they are liable to be discharged from service.

<https://hcservices.ecourts.gov.in/hcservices>, the grievances of the writ petitioners in respect of the non-payment of salary for some period is to be considered. It is contended that the salary was not paid for two



months. Thus, the respondents are directed to pay the salary dues by verifying the records within the period of 8 weeks from the date of receipt of a copy of this order.

9. With the above direction, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli.
2. The Director (I/C)
Youth Welfare Department,
Manonmaniam Sundaranar University,
Tirunelveli.

+2cc to M/s. Ajmal Associates, Advocate in SR.71695 & 71696

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PBK (18.07.2019) 3P : 5C