

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.3066 of 2020 and WMP No.3592 of 2020

1. A.Vijayavelan
2. M.Vetrivel

... Petitioners

-Vs-

Pondicherry University,
Rep. by its Registrar,
R.V.Nagar, Kalapet,
Puducherry 605 014

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of declaration declaring the action of the respondent university in not filling up the vacancies in the post of Assistant by promotion from the post of Junior Assistant for the last four years without convening the Departmental Promotion Committee on the basis of the recruitment rules prevailing then as illegal, arbitrary and contrary to law and consequently, direct the respondent university to fill up the vacancies in the post of Assistant which arose prior to 30.12.2019 on the basis of the recruitment rules prevailing then and fill up the vacancies which arose on and after 30.12.2019 on the basis of the new cadre recruitment rules, 2019.

For Petitioner : Mr.Balan Haridas
For Respondent : Mr.M.Ravi
Government Advocate

ORDER

This Writ Petition has been filed for a declaration, to declare the action of the respondent university in not filling up the vacancies in the post of Assistant by promotion from the post of Junior Assistant for the last four years, without convening a Departmental Promotion Committee, is illegal and

arbitrary and for a consequential direction to the respondent university to fill up the vacancies to the post of Assistant on the basis of the recruitment rules.

2. The case of the petitioners is that they are working in the post of Junior Assistant and that their next avenue of promotion is to the post of Assistant. As per the recruitment rules, the post of Assistant can be filled up only by way of promotion from the post of Junior Assistant. According to the petitioners, there has been vacancies for the last four years and the respondent University has not constituted a Departmental Promotion Committee (DPC) and the post of Assistant is being kept vacant. The further case of the petitioner is that according to the recruitment rules, that was notified in the year 2019, the post of Assistant has now been revised as 25% by direct recruitment, 50% by promotion and the remaining 25% through competitive examination. After the revision of the rules, the respondent has now constituted a DPC and no candidate has been called so far from the post of junior Assistant. According to the petitioners, the posts that fell vacant for the last four years before the new rules came into force, must first be filled up for drawing a year wise panel and only thereafter, the revised recruitment rules must be applied for the prospective filling of the posts of Assistant. The request made by the persons, who are holding the post of Junior Assistant has not been considered and therefore, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and Mr.M.Ravi, learned counsel appearing for respondent / University.

4. The issue involved in this writ petition lies in a very narrow campus. The petitioners are claiming that for the last four years, no Departmental Promotion Committee has been constituted and no promotions have been made to the posts of Assistant, inspite of vacancies being available to the said posts. Subsequently, in the year 2019, the recruitment rules were amended, which provides, for filling up the post of Assistant through three avenues. According to the petitioners, a vacancy that arose before coming into force of the rules should be filled up by drawing a year wise panel and in accordance with the rules that prevailed during the relevant point of time and the revised rules must be given effect to, only after the same came into force and for all future promotions.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the issue raised in this writ petition requires the consideration of the respondent, there shall be a direction to the petitioners to submit a fresh representation to the respondent by annexing a copy of the present order. The respondent shall immediately consider the representation in line with the order passed by this Court and take a decision with regard to filling up of the post of Assistant. Appropriate orders shall be passed within a period of six weeks from the date of receipt of copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To
The Registrar,
Pondicherry University,
R.V.Nagar, Kalapet,
Puducherry 605 014

+1cc to Mr.Balan Haridas, Advocate sr.10191

W.P.No.3066 of 2020

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