

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.502 of 2020
and C.M.P.No.7413 of 2020

- 1.Chennai Palkalaikazhaga Asiriyar Peravai
(Madras University Teachers' Association
MUTA) rep. by its General Secretary,
Regn.No.351/2018, University of Madras,
Chepauk, Chennai 600 005.
- 2.Dr.T.M.Sridhar
- 3.Dr.B.Anandan
- 4.Dr.R.Sasikumar ... Appellants/Petitioners

-vs-

- 1.University of Madras,
Rep. by its Registrar,
Chepauk, Chennai 600 005.
- 2.Govt. Of Tamil Nadu,
Rep. by its Secretary,
Higher Education Department,
Fort St. George, Chennai 600 009.
- 3.Member Secretary,
University Grants Commission
Bahadur Shah Zafar Marg
New Delhi 110 002. .. Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent
against the order dated 18.03.2020 passed in W.M.P.No.4530
of 2020 in W.P.No.3820 of 2020 on the file of this Court.

Prayer: Writ Petition under article 226 of the constitution
of India praying that in these circumstances stated therein
and in the respective affidavits filed their with the High
court will pleased to issue appropriate writs order or
directions and make particularly issue a writ in the nature
of declaration, Declaring that the Notification dated
05.01.2020 issued by the 1st Respondent University inviting

application for Recruitment of Teachers Assistant Professor Associate Professor and Professor in thirty departments of the 1st Respondent University and the Notification dated 13.01.2020 issued by the 1st Respondent in respect of counting of past service for direct recruitment as illegal arbitrary and contrary to law in WP.No.3820 of 2020 and;

To grant interim injunction restraining the 1st Respondent University from in any manner proceeding with the Notification dated 05.01.2020 issued in respect of recruitment of teachers Assistant Professor Associate professor and Professor (in WMP.No.4530/2020) pending disposal of the WP.No.3820 of 2020 respectively.

For Appellant : Mr.Balan Haridas

For Respondents : Mr.P.H.Aravindh Pandian,
Sr. Counsel, assisted by
Mr.L.P.Shanmugasundaram
Spl.G.P.

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard Mr.Balan Haridas, learned counsel for the appellant and Mr.P.H.Aravindh Pandian, learned Senior Counsel for the respondent University.

2.Having heard learned counsel for the parties, this writ appeal is directed only against an order vacating the interim order passed in a writ petition. Learned counsel contends that there are several vital issues that need to be addressed and third party rights may intervene if the selection is allowed to continue along with observation made by the learned Single Judge. Hence, this writ appeal should be entertained and Sri.Balan Haridas also prays for an adjournment of two weeks in order to enable him to further seek instructions.

3.The appeal being against the order vacating the interim order does not deserve to be maintained, as this will amount to interfering with the discretion exercised by the learned Single Judge.

4.We are satisfied that instead of adjourning the matter, it will be more appropriate that the writ petition along with other connected matters is heard and disposed of finally in order to settle the dispute on merits. It will, therefore, serve no useful purpose by keeping this appeal

pending and accordingly, the writ appeal is consigned to records, with a request to the learned Single Judge having the roster to take up the writ petition giving rise to this appeal as well as other connected writ petitions for final hearing and dispose of the same preferably within a period of two weeks from the date of the prayer made by the learned counsel for the parties, after completion of pleadings. No costs. Consequently, C.M.P.No.7413 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Registrar,
University of Madras,
Chepauk, Chennai 600 005.
- 2.The Secretary to Govt. of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai 600 009.
- 3.The Member Secretary,
University Grants Commission
Bahadur Shah Zafar Marg
New Delhi 110 002.

W.A.No.502 of 2020

PP(CO)
CB(31/07/2020)

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