



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.09.2020
CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY W.P.(MD)Nos.10854, 10860, 10861 and 10863 of 2020

Dr.J.Anbu Jeba Sunilson	: Petitioner in W.P.(MD) No.10854/2020
Dr.R.Kurinjivendan	: Petitioner in W.P.(MD) No.10860/2020
Dr.V.Selvakumar	: Petitioner in W.P.(MD) No.10861/2020
Dr.C.Thiyagarajan	: Petitioner in W.P.(MD) No.10863/2020

Vs.

1. The Vice Chancellor,
Tamil University,
Thanjavur - 10.

2. The Tamil University,
Rep. by its Registrar,
Thanjavur - 10.

: Respondents in all petitions

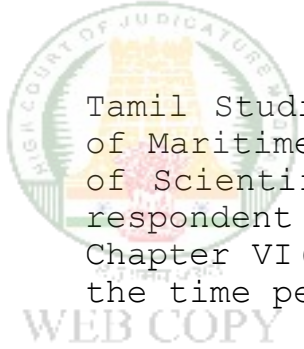
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.1 and 2 to declare the completion of probation of the Petitioners in the posts of Associate Professor, Department of Siddha Medicine, Professor, Department of Tamil Studies in Foreign Countries, Associate Professor, Department of Maritime History and Marine Archaeology and Professor, Department of Scientific Tamil and Tamil Development respectively at the 2nd respondent university with effect from 04.06.2020 in accordance with the Chapter VI()2) of the Statutes of the 2nd Respondent University within the time period stipulated by this Court.

For Petitioners : Mr.T.Aswin Rajasimman for
Mr.T.Lajapathi Roy

For Respondents : Mr.K.Ragatheesh Kumar, for
M/s.Isaac Chambers

COMMON ORDER

The prayer sought for in these petitions is for a Writ of Mandamus, directing the respondent No.1 and 2 to declare the completion of probation of the Petitioners in the posts of Associate Professor, Department of Siddha Medicine, Professor, Department of



Tamil Studies in Foreign Countries, Associate Professor, Department of Maritime History and Marine Archaeology and Professor, Department of Scientific Tamil and Tamil Development, respectively at the 2nd respondent University with effect from 04.06.2020 in accordance with Chapter VI(2) of the Statutes of the 2nd Respondent University within the time period stipulated by this Court.

2. In all these writ petitions, the issue raised is one and the same and the respondents are also the same University. Therefore, with the consent of the learned counsel for both sides, these writ petitions are disposed of at the admission stage itself by this common order.

3. These petitioners are either Professors or Associate Professors appointed in the year 2007 by appointment orders of the University dated 03.06.2017 separately and accordingly, they had been working in that capacity till date. In this regard, it is the case of the petitioners that, as per the University Statutes, especially under Chapter VI of the University Statute, every person directly recruited as an employee of the University shall be on probation for a period of two years within a continuous period of three years from the date of joining duty in the University. After completion of the two years probation, whether they have successfully completed the probation period or not, can be evaluated by the University. Therefore, the Special Committee in this regard, contemplated under the Statute, presided over by the Vice Chancellor of the University, on evaluating the performance of the newly recruited or appointed employee of the University including teaching Faculty, would make recommendations as to whether he or she can be declared so that they have completed their probation successfully.

4. In this context, it is the further case of the petitioners that, though they have completed two years and also the extended period of three years, within which, they have successfully completed the probation, such an evaluation has not been made by the Committee in this regard headed by the Vice Chancellor of the University and once the performance of the petitioners are evaluated, on satisfaction of the same, they can declare the probation of the petitioners and in this regard, since the respondent University has not come forward so far to constitute a Committee for whatever reason best known to them, the petitioners have given representations individually on 17.08.2020, 17.07.2020, 17.07.2020 and 18.08.2020 to the Vice Chancellor of the respondent University. Therefore, all that, the learned counsel appearing for the petitioners would submit before this Court that, if the said representations individually submitted by these petitioners for consideration to constitute a Committee to evaluate their performance for the purpose of declaring their probation, are directed to consider by way of direction given by this Court and to decide the same in accordance with law, within a time frame that may be stipulated by this Court, the petitioners would be satisfied.



5.Heard the learned standing counsel appearing for the University, who, on notice appeared before this Court and would submit that, no doubt, there is a Statute governing how to decide the probation and to be declared for those, who successfully completed the probation and insofar as these petitioners are concerned, whether any complaint or enquiry is pending against any of them would also be verified and thereafter, if there is no further impediment for the University to constitute a Committee to evaluate the performance of these petitioners as to whether they successfully completed the probation period to the satisfaction of the University, certainly, those action for declaring towards probation would be undertaken by the respondent University.

6.The said submissions made by the learned counsel for both sides have been taken note of and after having perused the materials placed before this Court, in these writ petitions, the following orders are passed:

"The respondent University is hereby directed to consider the representations of the petitioners submitted individually on 17.08.2020, 17.07.2020, 17.07.2020 and 18.08.2020 respectively and decide the same as to whether a Committee can be constituted within the meaning of Chapter VI of the University Statute under the heading 'Probation' for the purpose of evaluating the performance of the petitioners, since the date of appointment till date, in order to assess as to whether they have completed successfully the probation to the satisfaction of the University and accordingly, take a decision on merits and in accordance with law. The aforesaid exercise shall be undertaken by the University within a period of 8 weeks from the date of receipt of a copy of this order."

7.With this direction, these writ petitions are disposed of. No costs.

Sd/-

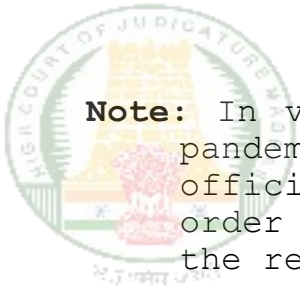
Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

1. The Vice Chancellor,
Tamil University,
Thanjavur - 10.

2. The Registrar,
Tamil University,
Thanjavur - 10.

+1 CC to the SPL GP SR-15931.

+1 CC to M/s.ISAAC CHAMBERS, Advocate SR-16010.

W.P. (MD) Nos.10854, 10860, 10861 and 10863 of 2020
03.09.2020

SCR(CO)
CS(24.09.2020) 4P 5C