



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.01.2021

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

WEB COPY

W.P. (MD)No.6585 of 2010
and
M.P. (MD)Nos.1 and 2 of 2010

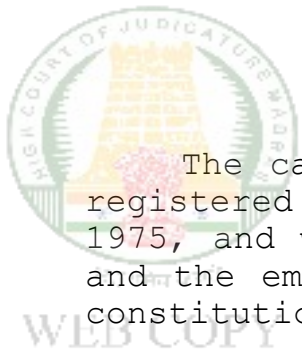
Tamil University SC/ST Aasiriyar, Paniyalar
Mempaattu Sangam,
represented by its President, S.Ravi Verman,
Thanjavur. : Petitioner

Vs.

- 1.The Secretary to the Government,
Department of Higher Education,
Fort St.George, Chennai -9.
- 2.The Secretary to Government,
Department of Tamil and Cultural Development,
Fort St.George, Chennai - 9.
- 3.The Vice Chancellor,
Tamil University, Thanjavur.
- 4.The Tamil University,
Thanjavur,
represented by Registrar,
Tamil University, Thanjavur. : Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to forbear the respondents from in any way filling any permanent or temporary/adhoc or contract or daily basis employees in any non teaching post of the 4th respondent university without filling up long standing backlog of SC/STs vacancies and consequently to direct the respondents 3 & 4 to fill up backlog vacancies under SC/ST category in the 4th respondent University within the period that may be stipulated by this Court.

For Petitioner	:Mr.Mohammed Imran, for M/s.Ajmal Associates
For R1 and R2	:Mr.Muthugeethayan Special Government Pleader
For R3 and R4	:No Appearance

**ORDER**

The case of the petitioner is that the petitioner Sangam is a registered Society under the Tamil Nadu Societies Registration Act, 1975, and working towards the interest of the downtrodden community and the employees of SC/ST community in the department towards the constitutional guarantee of Scheduled Caste and Scheduled Tribe.

2.This Writ Petition was filed as a public interest litigation praying to issue a Writ of Mandamus directing the respondents to frame a scheme to fill up the backlog vacancies in the 4th respondent University in non teaching posts by the candidates from SC and ST community through a special drive. The petitioner further averred that substantial number of employees of the third respondent University are its members.

3.The Tamil University was established and functioning from 1981 onwards. The main object of the Tamil University "is for furthering the advancement of learning and prosecution of research in Tamil". The petitioner association had approached the authorities of the fourth respondent to implement the rules of reservation in its letter and spirit. It is the case of the petitioner that the respondent University has not filled up the non teaching posts by following SC/ST roster in the respondent University. It is the further case of the petitioner that in this regard, the fourth respondent appointed a Committee based on the resolution of the syndicate under the Chairmanship of the Registrar, Tamil University with three members. The Committee has also opined that in non-teaching posts 18% of the reservation posts allotted to SC/ST community are not filled and accordingly they made recommendation to fill up those vacancies by following the reservation. However, the affected persons had already approached this Court in W.P.No.16087 of 1999 and W.P.No.33637 of 2007 and the Honourable Division Bench of this Court had issued direction on 14.01.2000 and 17.11.2007 respectively to fill up the backlog vacancies of non-teaching staff. Thereafter, the petitioner has made a representation on 04.11.2009 and 04.02.2010. In-action on the part of the respondents in considering the representation of the petitioner, forced the petitioner to file the present Writ Petition with the aforesaid prayer.

4.The learned Counsel for the petitioner would submit that repeatedly the Honourable Division Bench of this Court has issued direction to fill up backlog vacancies under SC/ST category for non-teaching posts. He would further submit that this Court may issue direction to the respondents to fill up backlog vacancies under SC/ST candidates for non-teaching posts as per the direction of this Court in W.P.No.33637 of 2007, dated 19.11.2007, by considering the representation of the petitioner, dated 04.02.2010 within a reasonable time as may be fixed by this Court.



5.The learned Special Government Pleader appearing for the respondents 1 and 2 have no serious objection for issuing a direction to the respondents for considering the representation of the petitioner, dated 04.10.2011.

6.Considering the limited request made by the learned Counsel for the petitioner, I am inclined to issue the following directions:

"The fourth respondent University is directed to consider the petitioner's representation, dated 04.02.2010 and pass final orders on merits and in accordance with law and in terms of the order of this Court in W.P.33637 of 2007, dated 17.11.2007 within a period of twelve weeks from the date of receipt of a copy of this order, if not complied with already.

7.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Secretary to the Government,
Department of Higher Education,
Fort St.George, Chennai -9.

2.The Secretary to Government,
Department of Tamil and Cultural Development,
Fort St.George, Chennai - 9.

3.The Registrar,
Tamil University, Thanjavur.

+1 CC to M/s.M.AJMAL KHAN, Advocate (SR-466[F] dated 07/01/2021)

+1 CC to M/s.GP (SR-798[F] dated 11/01/2021)

W.P. (MD)No.6585 of 2010
07.01.2021

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