



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)Nos.14004 and 15301 of 2012

and

M.P(MD)Nos.1, 2 and 4 of 2012

WEB COPY

W.P (MD)No.14004 of 2012

R.Karthikayeni

... Petitioner

Vs.

1.University Grants Commission,
Represented by the Secretary,
Bahadur Shah Zafar Marg,
New Delhi-110 002.

2.The Vice Chancellor
Madurai Kamaraj University,
Palkalai Nagar,
Madurai-625 021

3.Madurai Kamaraj University
Rep by its the Registrar
Palkalai Nagar,
Madurai-625 021.

4.K.R.Baskar

5.N.Ramkeerthi

6.A.Muppall

7.R.Elamurugu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Memo No.EMMRC/MKU/PLACEMENT dated 24.07.2012 on the file of the respondent No.3 and quash the same as illegal to the extent of providing promotions/placements to the respondents No.4 - 7 and consequently to make appointments to those posts through open selection within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathiroy
For R2 and R3	: Mr.M.Muthugeethayan Special Government Pleader
For R4 to R6	: Mr.N.Vallinayagam
For R7	: Mr.V.Panneerselvam for M/s.C.S.Associates



W.P (MD) No.15301 of 2012

N.Muthupandi

... Petitioner

Vs.

WEB COPY

1.University Grants Commission,
Represented by the Secretary,
Bahadur Shah Zafar Marg,
New Delhi-110 002.

2.The Vice Chancellor
Madurai Kamaraj University,
Palkalai Nagar,
Madurai-625 021

3.Madurai Kamaraj University
Rep by its the Registrar
Palkalai Nagar,
Madurai-625 021.

4.K.R.Baskar

5.N.Ramkeerthi

6.A.Muppai

7.S.Kaliaperumal

8.R.Elamurugu

9.S.Moorthy

10.K.Kavaldurai

11.Mrs.Usha Sharma

... Respondents

[R5 to R11 impleaded as per order dated 22.11.2012 in MP.2/12]

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Memo No.EMMRC/MKU/PLACEMENT dated 24.07.2012 on the file of the respondent No.3 and quash the same as illegal and consequently to make appointments to those posts through open selection within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R2 & R3	: Mr.M.Muthugeethayan Special Government Pleader
For R4toR7&R10	: Mr.N.Vallinayagam
For R8	: Mr.V.Panneerselvam for M/s.C.S.Associates
For R9	: Mr.E.V.N.Siva
For R1 and R11	: No appearance



COMMON ORDER

The petitioners have filed these writ petitions challenging the impugned order, dated 24.07.2012 passed by the third respondent and to quash the same and consequently direct the third respondent to make appointments through open selection process.

2.The case of the petitioners is that they were appointed as Technical Assistants in the Department of Audio Visual Research Centre/Educational Media Research Centre/Educational Multimedia Research Centre, Madurai Kamaraj University. The petitioners have rendered more than 20 years of service in the said post. After 1996, the vacant posts of EMMRC(Educational Multi Media Research Centre) were never filled-up. Now, the available vacancies in EMMRC were determined as 24 posts and those vacancies were to be notified through open advertisement, so that all eligible aspiring candidates could apply for the same. Further, the petitioner has averred that 8 posts out of 24 vacant posts were filled by the respondents, vide impugned order in the name of placement to the respondents No.4 to 7 and others. The petitioners are eligible to the said posts and those posts are to be filled-up through open advertisement. The private respondents 4 to 7 were promoted, without following the recruitment procedure provided in the UGC, is arbitrarily one. Hence, these writ petitions have been filed.

3.The petitioners have challenged the impugned order on the ground that the posts, which were made in favour of the private respondents, are public posts, as per UGC guidelines. The said posts have to be filled-up through public notice, calling for applications from the eligible candidates. Without adopting such procedure as per UGC guidelines, the placement made in favour of the private respondents is unsustainable in law. On the sole ground, these writ petitions have been filed.

4.The learned Special Government Pleader appearing for the second and third respondents has filed a counter affidavit and on perusal of the counter affidavit, it is seen that the private respondents have worked for more than 25 years and there is no promotional avenue for them. In order to create promotional avenue and financial upgradation, the placement orders were given to them and further, before giving the placement orders to the private respondents, the respondents conducted an interview and the said interview was discussed in the Syndicate Meeting and thereafter, the placement orders were issued for the purpose of financial upgradation. Hence, there cannot be any grievance for the petitioners and no fresh recruitment is made. Therefore, the grievance of the petitioner is misconceived.



5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.The facts in the present case are not in dispute. Admittedly, the petitioners are working as Technical Assistants in Madurai Kamaraj University(EMMRC) and the private respondents are also working in the same University in various posts. Therefore, the placement orders were given to the private respondents in the respective posts. However, the petitioners have not established that the private respondents were juniors to them and without considering the seniority, the placement orders have been given to the private respondents. Further, in the counter affidavit, it has been categorically admittedly that the private respondents were worked more than 25 years, without having any promotional avenue. In order to give financial upgradation in lieu of selection grade and special grade, the placement orders were given to them. Further, the petitioners have not established that the placement orders were given contrary to the Standing Orders or Rule. In the absence of any Rules and Regulations, the placement orders given to the private respondents cannot be found fault with. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Secretary, University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi-110 002.

2.The Vice Chancellor
Madurai Kamaraj University,
Palkalai Nagar,
Madurai-625 021

3.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai-625 021.



+2 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-7146 & 7147[F] dated 25/02/2021)

+2 CC to M/s.N.VALLINAYAGAM, Advocate (SR-7304 & 7305[F] dated 25/02/2021)

+1 CC to M/s.C.S.ASSOCIATES (V.PANNEER SELVAM), Advocate (SR-7380 [F] dated 25/02/2021)

+2 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-7451 & 7453[F] dated 26/02/2021)

W.P. (MD)Nos.14004 and 15301 of 2012

and
M.P(MD)Nos.1, 2 and 4 of 2012

24.02.2021

SVN (CO)

TR(30.04.2021) 5P 11C