



WEB COPY

W.P(MD)No.15175 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P (MD) No.15175 of 2012
and
M.P (MD) No.2 of 2012**

L.Parisutharaj

... Petitioner

Vs.

1.The Union of India
represented by its Secretary,
Ministry of Human Resource Development,
Department of Higher Education,
Shastri Bhawan, New Delhi-110 001.

2.The Director,
National Institute of Technology,
Trichy-15.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration to declare the Statute 22(1) (ii) of National Institute of Technology notification, dated 23.04.2009 as ultra virus and null and void and unconstitutional and consequently to include the post of Librarian as Academic staff and enhance the retirement age of Librarian as 65 on par with teaching staff and to pay all attendant and monetary benefits to the petitioner.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.R.Murugappan
for R.1
: Mrs.J.Maria Roseline
for R.2

* * * * *

ORDER

The petitioner filed this writ petition for declaration to declare the Statute 22(1)(ii) of National Institute of Technology notification, dated 23.04.2009 as ultra virus and null and void and unconstitutional and consequently to include the post of Librarian

<https://hcservices.ecourts.gov.in/hcservices/>



as Academic staff and enhance the retirement age of Librarian as 65 on par with teaching staff and to pay all attendant and monetary benefits to the petitioner.

2. Though the petitioner filed this writ petition for promotion for the purpose of including his post as teaching staff and for increasing the retirement age, the fact remains that the petitioner retired from service in the year 2012 itself. Further, the petitioner cannot seek for declaration against the particular Statute, unless the particular Statute is against the Constitution or contrary to the provision of law. In the present case, the petitioner did not establish any of the said ground. Further, the employer has the right and prerogative to prescribe eligibility criteria for selecting and recruiting suitable persons for appointment or for promotion. Hence, the writ petition is misconceived. Therefore, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/
Assistant Registrar(AD-II)

/True copy/

/ /2021
Sub Assistant Registrar(CS-)

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.

To

1.The Secretary,
Ministry of Human Resource Development,
Department of Higher Education,
Shastri Bhawan, New Delhi-110 001.

2.The Director,
National Institute of Technology,
Trichy-15.

+1 CC to M/s.J.MARIA ROSELINE, Advocate SR-9400[F] dated 08/03/2021

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SSL
PK/16.03.2021 : 2P/4C