



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.6344 of 2020

and

W.M.P(MD)No.5579 and 10005 of 2020

R.T.Saroja : Petitioner
Vs.

1.Mother Terasa Women's University,
Represented by its Vice Chancellor,
Kodaikanal - 624 101,
Dindigul District.

2.Mother Teresa Women's University,
Represented by its Registrar,
Kodaikanal - 624 101,
Dindigul District.

: Respondents

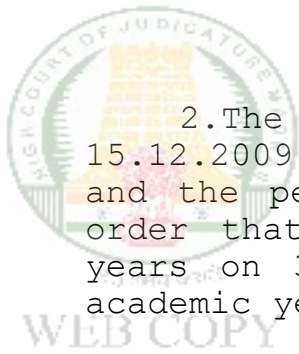
PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ certiorarified mandamus, to call for the records pertaining to the impugned order in proceedings No.769/WU/Registrar/Estt/Relieving order/2020, dated 30.04.2020 on the file of the respondent No.2, and quash the same as illegal and consequently for a direction directing the respondent No.2, to permit the petitioner to discharge her duty in the post of Assistant Professor at the second respondent University within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman

For Respondents : Mr.E.V.N.Siva

ORDER

This writ petition is filed as against proceedings No.769/WU/Registrar/Estt/Relievingorder/2020, dated 30.04.2020 of the respondent University in and by which, the petitioner was relieved from service on attaining the age of 58.



2.The petitioner was appointed as Assistant Professor on 15.12.2009 in Women's University College of Education, Kodaikanal and the petitioner was relieved from her service by the impugned order that she has attained the age of superannuation, i.e., 58 years on 30.04.2020 and she was re-employed till the end of the academic year, i.e., 31.05.2020.

3.The learned Counsel for the petitioner by relying on the Statutes of the Mother Teresa Women's University submits that as per the Statutes of the University, the academic staff are entitled to serve upto 60 years and non academic staff alone can serve upto 58 years. He has also drawn the attention of this Court to the Statutes of the Mother Teresa University, wherein, clause 21 deals with the retirement.

4.The learned Counsel appearing for the respondent University submits that it is only a constitution college of the University and therefore, she is not entitled to serve upto 60 years and the Executive Council Meeting of the University rejected the request of the petitioner vide resolution dated 22.10.2019. Only pursuant to the same, the petitioner was allowed to retire on 30.04.2020 and provided re-employment till the end of the academic year, i.e., 31.05.2020.

5.This Court paid its anxious consideration to the rival submission and perused the materials placed on record.

6.This Court while entertaining the writ petition has by order dated 01.06.2020 stayed the impugned proceedings and therefore, in view of the stay, the petitioner is continuing her services till date.

7.It is seen that the petitioner has been appointed as Assistant Professor / Lecturer in Women's University College of Education, Kodaikanal vide proceedings No.2370/WU/VC/Appt/Aca/2009, dated 15.12.2009, based on the Executive Council Resolution Meeting dated 14.12.2009. As per the appointment order, the services of the petitioner are governed by the Act and Statutes and Ordinance of the University.

8.It would be relevant to refer to Clause 21 of the Statutes of the University, which reads as follows:

21 Retirement -University employees shall retire as follows - Academic staff shall retire on reaching the age of 60. If the date of superannuation falls during the middle of the year, they can be re-employed till the end of the academic year (i.e., till 31st May). Non academic staff of Group A,B and C shall retire on reaching the age of 58, employees of group I will retire at the age of 60.



9.No doubt the petitioner falls under the academic staff category and therefore, in view of the clause 21 of the Statutes of the respondent University, the petitioner is entitled to serve upto the age of 60.

10.In the light of the above discussion, this writ petition is allowed.The impugned proceedings No.769/WU/Registrar/Estt/Relieving order/2020, dated 30.04.2020 is hereby set aside. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Dsk

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 Vice Chancellor
Mother Terasa Women's University,
Kodaikanal - 624 101,
Dindigul District.

2.The Registrar,
Mother Teresa Women's University,
Kodaikanal - 624 101,
Dindigul District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-34129[F] dated 11/11/2021)

W.P(MD)No.6344 of 2020
10.11.2021

MGJ/PM(24.11.2021) 3P 4C