



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.03.2021

CORAM:

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

W.P. (MD)No.4080 of 2017

WEB COPY

1.Dr.S.Rajakumar

2.Dr.K.Gokulakrishnan

.. Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by the Principal Secretary,
Higher Education Department,
Fort St.George,
Chennai- 600 009.

2.The Registrar,
Anna University,
Sardar Patel Road,
Chennai- 600 025.

3.The Finance Officer,
Anna University,
Sardar Patel Road,
Chennai-600 025.

4.The Director,
Centre for Constituent Colleges,
Anna University,
Sardar Patel Road,
Chennai-600 025.

5.The Dean,
Anna University Regional Campus,
Tirunelveli,
Tirunelveli-627 007.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to pass orders of absorption of the petitioners in the post of Assistant Professors in the respondent Anna University with all service and monetary benefits within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondent No.1	: Mr.A.Karthik
	Government Advocate
For Respondent	
Nos.2 to 5	: Mr.M.Rajarajan
	Standing Counsel



O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

The prayer sought for in the present writ petition is for a direction to the second respondent to pass orders of absorption of the petitioners in the post of Assistant Professors in the respondent Anna University with all service and monetary benefits within a time frame.

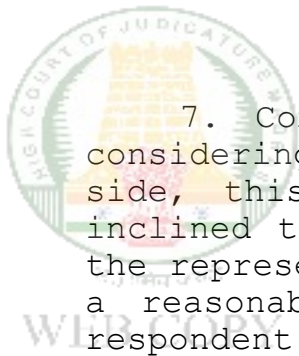
2. The case of the petitioners is that the first petitioner was appointed as Lecturer in the year 2009 whereas the second petitioner was appointed as Assistant Professor in the year 2009 and both of them were posted at Anna University of Technology, Tirunelveli. After the merger in the year 2012, Anna University of Technology, Tirunelveli was converted into Regional Office, Anna University, Tirunelveli Region, Tirunelveli and the Lecturer post was re-designated as the Assistant Professor by the VI pay Commission in the year 2010. Till date both the petitioners are holding the post of Assistant Professors in the Department of Mechanical Engineering and Electronics and Communication Engineering with a fond hope of absorption and promotion to various other stages under Career Advancement Scheme (CAS). But till date they have not absorbed in the regular stream for which the petitioners made representations dated 23.02.2017 and 07.03.2016 to the second respondent to consider their request. So far, no order was passed. Hence, the petitioners approached this Court with the above said prayer.

3. The learned counsel for the petitioner would submit that during the pendency of the writ petition, the first petitioner's service was absorbed on 04.05.2017. Hence, nothing survives in this writ petition in respect of the first petitioner. However, the second petitioner was not absorbed till date. Hence, he requested that it would suffice if a direction is issued to the respondents to consider the representation of the second petitioner dated 07.03.2016 within a reasonable time as fixed by this Court.

4. The learned Standing Counsel appearing for the respondents 2 to 5 has no serious objection to consider the representation dated 07.03.2016.

5. Heard the learned counsel appearing for the petitioners as well as the learned Standing Counsel appearing for the respondents 2 to 5 and perused the materials placed on record.

6. In view of the submission made by the learned counsel for the petitioners that the first petitioner was already absorbed as Assistant Professor on 04.05.2017, this writ petition stands dismissed as infructuous as against the first petitioner.



7. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel on either side, this Court, without going to the merits of the case, is inclined to issue a direction to the second respondent to consider the representation of the second petitioner dated 07.03.2016, within a reasonable time. Accordingly, this Court directs the second respondent to consider the representation of the second petitioner dated 07.03.2016, and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

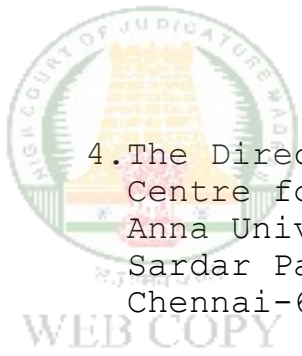
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary,
State of Tamil Nadu,
Higher Education Department,
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+1 CC to Mr.M.RAJARAJAN, Advocate (SR-9976[F] dated 10/03/2021)

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-10287[F]dated 11/03/2021)

+1 CC to M/s.SPL GP (SR-10587[F] dated 11/03/2021)

**W.P. (MD) .No.4080 of 2017
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VB (25.03.2021) 4P 9C