



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 10.03.2021

CORAM:

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

**W.P. (MD)Nos.4190, 4191 and 4192 of 2017**

**and**

**W.M.P. (MD) .Nos.3341, 3342 and 3343 of 2017**

WEB COPY

- 1.T.Ram Baskar  
2.A.Sathiabhama .. Petitioners  
in W.P.(MD).No.4190 of 2017
- 1.A.Elamparuthi  
2.G.Ayyappan  
3.A.Navaneetha Krishnan .. Petitioners  
in W.P.(MD).No.4191 of 2017
- 1.R.Prabhu Aravinthan  
2.R.Narmadha Natchiyar  
3.D.Vijaya Kumar .. Petitioners  
in W.P.(MD).No.4192 of 2017

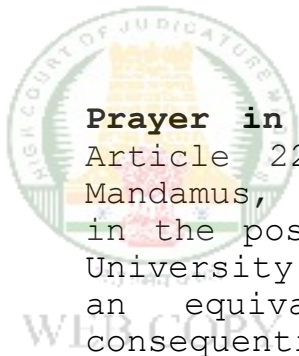
**Vs.**

1.The Tamil Nadu Open University,  
Rep. by its Registrar,  
Tamil Nadu Open University,  
No.577, Anna Salai,  
Saidapet,  
Chennai-15.

2. The Deputy Director,  
Students Support Services Division,  
Tamil Nadu Open University,  
No.577, Anna Salai,  
Saidapet, Chennai-15. .. Respondents in all writ petitions

**Prayer in W.P.(MD).No.4190 of 2017:** Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the Respondent No.1 to absorb the petitioners in the post of Coordinator or Senior Consultant in the first respondent University or in the alternative to accommodate the petitioners in an equivalent job befitting their qualification with all consequential benefits within the time frame stipulated by this Court.

**Prayer in W.P.(MD).No.4191 of 2017:** Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the Respondent No.1 to absorb the petitioners in the post of Data Entry Operator in the first respondent University or in the alternative to accommodate the petitioners in an equivalent job befitting their qualification with all consequential benefits within the time frame stipulated by this Court.



**Prayer in W.P. (MD) .No.4192 of 2017:** Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the Respondent No.1 to absorb the petitioners in the post of Coordinator or Consultant in the first respondent University or in the alternative to accommodate the petitioners in an equivalent job befitting their qualification with all consequential benefits within the time frame stipulated by this Court.

**In all writ petitions:**

|                 |                                                     |
|-----------------|-----------------------------------------------------|
| For Petitioners | : Mr.T.Lajapathi Roy                                |
| For Respondents | : Mr.M.Muthugeethayan<br>Special Government Pleader |

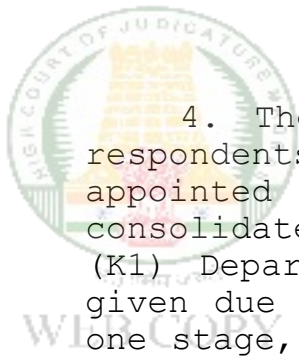
**COMMON ORDER**

*Since the issue involved in these writ petitions are one and the same, these writ petitions are taken up together and disposed of by a common order.*

These writ petitions have been filed for a direction to the first respondent to absorb the petitioners in the post of Coordinator or Senior Consultant or Data Entry Operator in the first respondent University or in the alternative to accommodate the petitioners in an equivalent job befitting their qualification with all consequential benefits within the time frame stipulated by this Court.

2. The case of the petitioners is that the petitioners were joined as Consultant, Senior Consultant and Data Entry Operator in the first respondent University on temporary basis in the year 2013. From the year 2013 onwards, the petitioners had rendered unblemished services, however, their services were not regularised. While so, on 30.6.2016, the respondents 1 to 3 had orally instructed the petitioners that their services are no longer necessary and the said post are to be filled up with persons known to them without following the communal roster or by eligible educational qualification and without calling for recruitment in regular basis by open selection. However, the petitioners were not issued any order of termination by the respondents. At the same time, the services of the juniors, who were appointed subsequent to the petitioners were regularised. Hence, the petitioners made representations to the respondents to absorb them in the said vacant post. Since the same were not considered so far, the present writ petitions have been filed.

3. The learned counsel for the petitioners would submit that it would be suffice, if this Court issues a direction to the respondents to consider the representations of the petitioners and pass appropriate orders at the earliest point of time.



4. The learned Special Government Pleader appearing for the respondents filed counter and would state that the petitioners were appointed in their respective posts on temporary basis under consolidated pay in accordance with G.O.Ms.No.109, Higher Education (K1) Department dated 25.06.2013. Moreover, their engagement were given due break and they were again engaged only on need basis. At one stage, the University has decided that their further engagement need not be required for the reason that the University was in a position to depute permanent Teaching faculties to the Zonal Centres, so as to enhance the academic activities. It is pertinent to note that the syndicate body of the TNOU is the competent authority to appoint any person to any post in employment to the TNOU. The posts availed by the petitioners as Consultants or Senior Consultants or Data Entry Operators are not sanctioned posts and there is no vacancy in the above posts and the syndicate body of the University have approved of the above said posts. Hence, the relief sought for by the petitioners cannot be granted.

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

6. In view of the limited scope of the prayer sought for by the petitioners, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representations dated 30.1.2017, submitted by the petitioners and to pass appropriate orders thereon 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, if there is no legal impediments to do so.

7. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// 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 Registrar,  
Tamil Nadu Open University,  
Tamil Nadu Open University,  
No.577, Anna Salai,  
Saidapet, Chennai-15.

2. The Deputy Director,  
Students Support Services Division,  
Tamil Nadu Open University,  
No.577, Anna Salai,  
Saidapet,  
Chennai-15.

+1 CC to M/s.SPL GP ( SR-10563[F] dated 11/03/2021 )

+1CC to Mr.T.Lajapathi Roy, advocate, SR.No.10288 dated 11/03/2021

W.P(MD) .Nos.4190, 4191 and 4192 of 2017  
10.03.2021

TP(CO)

KB(12.05.2021) 4P 5C