



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. (MD) Nos. 18846 and 18848 of 2016

and

W.M.P. (MD) .No. 13624 of 2016 in W.P. (MD) .No. 18846 of 2016

S. Thirumurugan

.. Petitioner
(in W.P. (MD) .No. 18846/2016)

K. Elangovan

.. Petitioner
(in W.P. (MD) .No. 18848/2016)

Vs.

Bharathidasan University,
represented by its Registrar,
having office at Palkalaiperur,
Tiruchirapalli- 620 024.

.. Respondent
(in both the petitions)

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioners for being regularised in the post of Assistant Professor in the Computer Science Department of the respondent University.

In both writ petitions:

For Petitioners : Mr. S. K. Mani

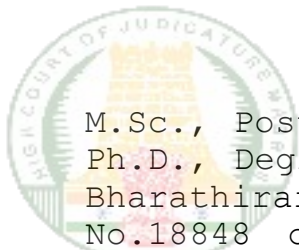
For Respondent : Mr. V. R. Shanmuganathan
Standing Counsel

COMMON ORDER

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

2. These writ petitions have been filed for a direction to the respondent to consider the petitioners for being regularised in the post of Assistant Professor in the Computer Science Department of the respondent University.

3. The petitioner in W.P. (MD) .No. 18846 of 2016 had obtained

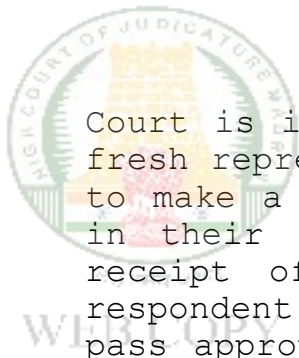


M.Sc., Post Graduate degree in Computer Science, M.Phil Degree and Ph.D., Degree in the same subject from Bharathidasan University and Bharathirar University respectively. The petitioner in W.P(MD). No.18848 of 2016 had obtained M.Sc., Post Graduate degree in Computer Science, M.Phil Degree in the same subject from Annamalai University, Madurai Kamaraj University and Prist University respectively. With these degrees, the petitioners applied for the post of Guest Lecturer in the year 2011 and the qualification for the said post was PG Degree with M.Phil., or Ph.D., in the relevant subject. Accordingly, they appeared for interview on 21.07.2011 for the subject of Computer Science from July 2011 to December 2011 and thereafter, they were appointed as Guest Lecturers with a condition that the tenure of their appointment was purely on a temporary basis without any service ranks and the tenure of appointment was not exceeding one Semester and further, the Department work should be shared by the regular teaching faculty as per the norms. Though the said appointment itself appear to be ephemeral, but the fact remained that for every oncoming semester, the petitioners' services were extended by a specific order. Thus, the petitioners were continuing for each successive Semesters from the month of July 2011 till the filing of these writ petitions. The grievance of the petitioners is that though the University extended the services of the petitioners periodically, the University did not consider them for being regularised in the post of Assistant Professor in the Computer Science Department besides there is required strength of 23 teachers inclusive of Head of the Department in the Computer Science Department, out of which 9 permanent teaching staff only appointed as on the date of filing of this writ petition. Hence, this writ petition.

4.The learned counsel appearing for the petitioners would submit that though the similar issue was decided by the Hon'ble Apex Court as well as this Court for regularization of the Guest Lecturers appointed as temporary basis, the respondents has not come forward to consider the case of the petitioners. At this juncture, the learned counsel would submit that though the larger prayer sought for in this petition, the petitioners confine their prayer to the limit that this Court may permit the petitioners to make a fresh representation for regularization of their services by annexing the decisions rendered by the Hon'ble Apex Court as well as by this Court in support of their case within two weeks and thereafter, the respondents may be directed to pass appropriate orders on the said representations.

5. The learned Standing counsel for the respondent University has no serious objection for considering the said request made by the learned counsel for the petitioners.

6. Considering the limited scope of prayer sought for in these writ petitions, without going into the merits of the case, this



Court is inclined to grant permission to the petitioners to make a fresh representations and accordingly, the petitioners are permitted to make a fresh representations by annexing the decisions rendered in their favour within a period of two weeks from the date of receipt of a copy of this order. On such representation, the respondent shall consider the representations of the petitioners and pass appropriate orders, on merits and in accordance with law, as early as possible.

7. With the above direction, these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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

The Registrar,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli-620 024.

Order made in
W.P. (MD) .No.18846&18848 of 2016 and
W.M.P. (MD) .No.13624 of 2016 in
W.P. (MD) .No.18846 of 2016
26.02.2021

PK (CO)

SRS (18/03/2021) 3P : 2C