



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2021

CORAM:

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

W.P. (MD)No.5928 of 2016

and

W.M.P. (MD) .No.5261 of 2016

M.Sundarapandian

... Petitioner

Vs.

The Registrar in charge,
Tamil University,
Thanjavur.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to provide promotion to the petitioner in the post of Assistant along with other Junior Assistants, who were promoted on 02.03.2016, by considering the representation of the petitioner, dated 18.03.2016.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : No appearance

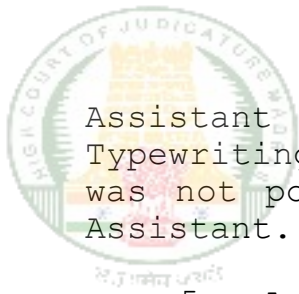
O R D E R

This writ petition has been filed for a direction to the respondent to give promotion to the petitioner along with other Junior Assistants, who were promoted on 02.03.2016, by considering the representation of the petitioner, dated 18.03.2016.

2. The case of the petitioner is that he was appointed as Junior Assistant in Tamil University in the year 2006. Though the petitioner has rendered more than ten years of service, he was not considered for promotion. Further, on 02.03.2016, the respondent has conducted an interview for the post of Assistants and seven Junior Assistants were promoted as Assistants. However, the petitioner was not considered. Hence, the petitioner has made a representation to the respondent on 18.03.2016, through registered post. But, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondent to consider the petitioner's representation dated 18.03.2016, within a specified period as fixed by this Court.

4. The respondent has filed a counter, wherein, it is stated that necessary qualifications prescribed for the post of



Assistant are (i) any degree and (ii) Technical qualification - Typewriting both Higher (Tamil & English). Whereas, the petitioner was not possessed of the qualification prescribed for the post of Assistant. Hence, he was not promoted as Assistant.

5. A perusal of the counter affidavit reveals that the Government vide Letter dated 17.11.2015, granted permission to fill up 33 Non-teaching posts and as per the Syndicate Resolution, seven persons, who possessed necessary educational qualifications for the post of Assistant, were promoted as Assistants. The petitioner did not qualify for the post of Assistant as on 02.03.2016. He became fully qualified only on 21.10.2016. Accordingly, he was given temporary promotion on 31.12.2016. The petitioner claims that his juniors were promoted to the post of Assistant prior to his promotion. However, at the relevant point of time, the petitioner was not possessed the qualifications prescribed for the post of Assistants. Hence, the prayer sought for by the petitioner is misconceived. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to work out the remedy, in the manner known to law. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

To

The Registrar in charge,
Tamil University,
Thanjavur.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-13501[F] dated
25/03/2021)

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KB(23.06.2021) 2P 3C