



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.1287 of 2018

WEB COPY

D.Raju

... Appellant/Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of Higher Education,
Chepauk, Chennai.

2.The Convener Committee,
Represented by its Law Secretary,
Manonmaniam Sundaranar University,
Tirunelveli.

3.The Manonmaniam Sundaranar University,
Represented by its Registrar,
Abhisekapatti,
Tirunelveli - 627 012.

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to allow the Writ Appeal and set aside the order passed in WP(MD)No.2626 of 2012 dated 02.03.2018 on the file of this Court.

Prayer in WP(MD). 2626/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of certiorarified mandamus to call for the records pertaining to the impugned resolution by the respondent No.2 in VC s Item No.3 dated 20.04.2011 and the consequent item no. 5 minutes of the syndicate held on 22.02.2012 and quash the same as illegal and consequently direct the respondent no.3 to retain the petitioner in the present post of Assistant Professor in the Department of Hlstory .

For Appellant	:	Mr.T.Lajapathy Roy
For Respondents	:	Mr.R.Baskaran, Standing Counsel for Government for R1 Mr.Mahaboob Athiff for M/s.Ajmal Associates, for R2 and R3

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

We have heard Mr.T.Lajapathy Roy, learned Counsel for the appellant, Mr.R.Baskaran, learned Standing Counsel for Government

<https://hcservices.ecourts.gov.in/hcservices/>



for the first respondent and Mr.Mahaboob Athiff, learned counsel appearing for the respondents 2 and 3.

2. The petitioner who is the appellant before us, had filed the Writ Petition praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned resolution passed by the second respondent in VC's Item No.3, dated 20.04.2012, and quash the same as illegal and consequently, direct the third respondent to retain the petitioner in the present Post of Assistant Professor in the Department of History.

3. The prayer was rejected by the learned Writ Court by the impugned order dated 02.03.2018 and by efflux of time, the relief sought for cannot be granted at this juncture. More particularly, the appellant got transferred to the Administrative Cadre, in which, he was originally working and he is now retired from Service. The reason for not permitting the appellant to continue as Assistant Professor in the Department of History, is on the alleged ground that his appointment/nomination was irregular, which according to the succeeding Syndicate and Vice Chancellor was found to be erroneous. The appellant appears to have much concealed himself in the position in the Administrative Cadre and he has attained age of Superannuation.

4. The submission of the learned counsel for the appellant is that in the Administrative Cadre, he should be granted appropriate notional benefits, so that, he will draw higher pensionary benefits and consequently, the pension has to be refixed.

5. The learned Standing Counsel for the Government would submit that till date, no such written request or representation has been received by the University from the appellant and the submission made before this Court is for the first time.

6. In any event, we find that there is no error in the order passed in the Writ Petition for us to interfere. Nevertheless, if the appellant seeks for further relief as the consequence of his functioning in the Administrative Cadre and attaining Superannuation, it is always open to the appellant to seek for such prayer before the respondent University, which can be considered in accordance with relevant statute.

7. With the above observations, this Writ Appeal is dismissed. No order as to costs.

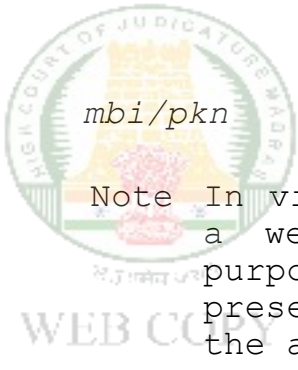
Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



mbi/pkn

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 Principal Secretary,
The Government of Tamil Nadu,
Department of Higher Education,
Chepauk, Chennai.

+1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-20117[F] dated 24/06/2021)

W.A. [MD]No.1287 of 2018
22.06.2021

KB(28.06.2021) 3P 3C