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W.P.No.40238 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.40238 of 2016

Paulraj.M

...Petitioner

Vs.

1.Tamil Nadu Dr.M.G.R.Medical University,
Rep.by the Registrar,
No.69, Anna Salai,
Guindy, Chennai – 32.

2.The Vice-Chancellor,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai,
Guindy, Chennai – 32.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to (1) Order of the second Respondent in Memo No.E1(3)/ 01630/ 2015 dated 17.05.2015 (2) Service Statute of the Respondent University to the limited extent of Appendix I under Statute 6 thereof (Sl.No.29 therein) relating to the post of Assistant Public Relations Officer, to quash the omission in the 'Method of Recruitment' from among the Assistant Section Officers of the University to the said post and order dated 17.05.2015 of the



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second Respondent in so far as it relates to the petitioner and to issue consequential directions to the Respondents to make appropriate amendment to the Service Statute for Recruitment by transfer from among Assistant Section Officers of the University to the post of Assistant Public Relations Officer in the University, so as to enable the petitioner herein to be appointed to the post of Assistant Public Relations Officer in the University.

For Petitioner : Mr.J.Ravi
For Mr.M.Ravi

For R1 and R2 : Mr.R.Imayavaramban
For M/s.Ramalingam and Associates

ORDER

The relief sought for in the present writ petition is to appoint the petitioner to the Post of Assistant Public Relations Officer by way of transfer of service.

2. The petitioner was appointed as Junior Assistant, which was re-designated as Assistant. He was promoted to the post of Assistant Section Officer with effect from 28.04.2011 FN. The next avenue for promotion is to the post of Section Officer. While so, the petitioner states that he acquired



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M.A. Degree in Public Administration, M.A. Degree in Sociology and Post Graduate Diploma in Public Relations. Therefore, he is fully qualified for appointment to the post of Assistant Public Relations officer and he must be appointed by way of transfer of service.

3. In this regard, the petitioner submitted a representation, which was rejected by the respondents on the ground that there is no Rule to appoint the petitioner as Assistant Public Relations Officer by way of transfer of service. Thus, the petitioner is constrained to move the present writ petition.

4. It is relevant to consider the Rule applicable for appointment to the post of Assistant Public Relations Officer. It is not as if the petitioner has no further avenue for promotion. Now he is holding the post of Assistant Section Officer and the next avenue for promotion, which is to the post of Section Officer, Assistant Registrar and Deputy Registrar. However, the petitioner claimed that he is qualified for appointment to the post of Assistant Public Relations Officer and therefore, he must be appointed by way of transfer of service. But there is no Rule to appoint the Assistant



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Section Officer as Assistant Public Relations Officer in the respondent

institution. The mode of appointment to the post of Assistant Public

Relation Officer, which reads as under:

“5. It is most respectfully submitted that the method of Recruitment, qualifications and experience prescribed in the Service Statutes of this Respondent University for the Post of Assistant Public Relation Officer are as follows:

Method of Recruitment:-

(i) By Direct Recruitment

(or)

(ii) By Deputation from Assistant Public Relation Officer's in the Department of information and Public Relations, Government of Tamil Nadu.

Qualifications:-

a) Must possess a degree

b) Must possess a degree or diploma in Public Relations.

c) Must have had experience in Public Relations for a period of not less than 5 years in Government Service or Statutory organisations or Autonomous bodies.

d) In case of direct recruitment must not have completed the age of 35 years as on the 1st July of the year.”



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5. In view of the fact that there is no provision to appoint an Assistant

Section Officer to the post of Assistant Public Relations Officer by way of transfer of service, the claim of the writ petitioner was rightly rejected by the respondents. The mode of recruitment contemplates that the post is to be filled by way of Direct Recruitment or by Deputation from Assistant Public Relation Officer's in the Department of information and Public Relations, Government of Tamil Nadu.

6. That being the rule position, the petitioner has to secure the post of Assistant Public Relations Officer by way of Direct recruitment and by participating in the open competitive process. Contrarily, he cannot seek appointment by way of transfer of service, which is not contemplated under the rules in force. Thus, the petitioner has not established any acceptable ground for the purpose of considering the relief. Accordingly, the writ petition stands dismissed. No costs.

13.10.2022

Index : Yes
Speaking order: Yes
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- 2.The Vice-Chancellor,
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S.M.SUBRAMANIAM, J.

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