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W.P.Nos.24871 & 24872 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.12.2022

Coram

The HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.Nos.24871 & 24872 of 2022
and W.M.P.Nos. 23810 & 23813 of 2022

S.Prathap Kumar

.. Petitioner
in WP 24871/22

P.Mohan

.. Petitioner
in WP 24872/22

Vs

1.Government of Tamil Nadu,
Rep by its Secretary,
Department of Higher Education,
Fort St.George,
Chennai – 9.

2.The Registrar,
Thiruvalluvar University,
Serkkadu, Vellore – 632 115.

3.The Vice-Chancellor,
Thiruvalluvar University,
Serkkadu, Vellore – 632 115.

.. Respondents
in both writ petitions

Prayer in W.P.No.24871 of 2022: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to dispose the representations dated 10.06.2020 and 04.02.2020 made by the petitioner.



W.P.Nos.24871 & 24872 of 2022

Prayer in W.P.No.24872 of 2022: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to dispose the representations dated 18.08.2018 and 17.06.2021 made by the petitioner.

For Petitioner : Mr.P.Ganesan
(in both writ petitions)

For Respondents : Mr.E.Sundaram
Government Advocate
for R1
Mr.M.C.Swamy
for R2 & R3
(in both writ petitions)

COMMON ORDER

1. The writ petitions have been filed for a mandamus seeking for a direction to the respondents to dispose of the petitioners' representations dated 10.06.2020, 04.02.2022, 18.08.2018 and 17.06.2021 respectively within a time frame to be fixed by this Court.

2. The writ petitioners were engaged in the second respondent / University on daily wages and consolidated basis and served at various departments of the University. According to the petitioners, on 14.08.2015, they were selected by the second respondent / University Selection Committee as Bursar and Superintendent respectively and they were directed to work in the constituent college of the second respondent / University, namely the



W.P.Nos.24871 & 24872 of 2022

University Constituent College, Kallakurichi. According to the petitioners vide G.O.(Ms)No.36, Higher Education Department, the University constituent colleges were converted into Government Colleges with the condition that the regular teaching and non-teaching staff working in the constituent college will have to be retained in the university. However, the petitioners' apprehension that they will be directed to be retained in the constituent college instead of absorbing/transferring their services from the university constituent college to the university. The petitioners have given representations on 10.06.2020, 20.10.2021, 04.02.2022, 18.08.2018 and 17.06.2021 respectively, due to family situation and on humanitarian grounds and as per G.O.(Ms).No.36 dated 28.02.2019, requesting the respondents to absorb / transfer their services from the university constituent college to the University with an equivalent post. Since the representations were not considered, the present writ petitions have been filed.

3. Heard Mr.P.Ganesan, learned counsel for the petitioners, Mr.E.Sudaram, learned Government Advocate for the first respondent and Mr.M.C.Swamy, learned counsel for respondent Nos. 2 and 3.



W.P.Nos.24871 & 24872 of 2022

WEB COPY

4. Till date, the counter has not been filed by any of the respondents despite sufficient time having been given to them.

5. This Court is not expressing any opinion on the merits of the petitioners' representations referred to supra. It is for the respondent nos. 2 and 3 to consider the same on merits and in accordance with law. No prejudice would be caused to the respondents if the petitioners' representations, as referred to supra, are considered on merits and in accordance with law within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the second respondent to pass final orders on merits and in accordance with law on the petitioners' representations dated 10.06.2020, 04.02.2022, 18.08.2018 and 17.06.2021 seeking to absorb / transfer them from the university constituent college to the University with an equivalent post within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.Nos.24871 & 24872 of 2022

WEB COPY

7. With the aforesaid directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08.12.2022

Index:No
ssm

To

- 1.The Secretary,
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W.P.Nos.24871 & 24872 of 2022

ABDUL QUDDHOSE,J.

ssm

W.P.Nos. 24871 & 24872 of 2022

08.12.2022