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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28442 of 2017

and

W.M.P. Nos. 30546 to 30548 of 2017

Dr. Anoop S. Kumar

... Petitioner

-vs-

Central University of Tamil Nadu,

Neelakudi Campus,

Kanglancherry,

Thirvarur - 610 101

Represented by its Registrar

... Respondent

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned e-mail dated 01.11.2017 of the Respondent rejecting the Petitioner's request for extending the joining date and quash the same and consequently direct the Respondent to consider Petitioner's request positively for extension of time for joining duty till 15th December.

For Petitioner : Mr. Puhazh Gandhi P.

For Respondent : Ms. T.Vennilla for

M/s. Manimoona Badsha

O R D E R

Heard Mr. Puhazh Gandhi P., Learned Counsel for the Petitioner and Ms. T.Vennilla, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has filed this Writ Petition challenging the e-mail dated 01.11.2017 of the Respondent rejecting the request of the Petitioner seeking extension of time for joining duty.

3. This Court at the time of admission on 06.11.2017 had passed the following self-explanatory order:-

"The Petitioner has been selected and appointed as Assistant Professor (Economics) in the School of Social Sciences and Humanities of the University in the Pay Band of Rs. 15600-39100 plus usual allowances as admissible as per the Rules of the University. He was requested to report for duty on or before 06.11.2017 along with the requisite certificates mentioned therein and he was also asked to convey his willingness within 7 days. In the bottom of the appointment order, it is seen



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that he has accepted for the job offered by the respondent. Thereafter, although the Petitioner, vide his letter dated 09.10.2017, sought for extension of time to join the University till 15.01.2018, the Assistant Registrar of the Department, vide his letter dated 01.11.2017, has turned down his request seeking for extension of time to join the duty.

2. Learned Counsel for the Petitioner submitted that since the academic year ends by 15.12.2017, he wanted to fulfill his academic responsibilities towards his students before moving to the Respondent University. Moreover, the University in which he is currently working has requested him to stay back till the end of the semester. Therefore, he pleaded, in the interest of the students, a reasonable time may be granted to join in the services of the Respondent University.

3. Prima-facie, this Court finds some merits on the request made by the Petitioner seeking extension of time, as, in the interest of students, the presence of the petitioner is necessary till the end of the semester i.e. 15.12.2017.

4. In view of the above, notice to the Respondent returnable by two weeks. Private notice is also permitted. In the meanwhile, the Respondent is directed not to fill up the post in which the Petitioner has been selected and appointed till further order."

4. The Respondent has filed Counter-Affidavit dated 02.03.2020 stating that the Petitioner did not join duty till 15.12.2017 or thereafter. In view of the said failure of the Petitioner to join duty despite lapse of extended period, the relief sought in this Writ Petition does not exist and nothing remains for further consideration in the matter. The Respondent is not precluded from filling up the post in which the Petitioner had been selected but had not joined the duty following the prescribed procedure in accordance with law.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

skr



To

The Registrar,
Central University of Tamil Nadu,
Neelakudi Campus,
Kanglancherry,
Thirvarur - 610 101.

+1cc to Mr.P.Puhazh Gandhi, Advocate, S.R.No.16198

W.P. No. 28442 of 2017

BP(CO)
KM(21/03/2022)