



W.P.(MD) No.4916 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.4916 of 2020

and

W.M.P.(MD) No.4279 of 2020

S.Krishnamurthy

... Petitioner

-VS-

- 1.The State of Tamilnadu
Represented by its the Principal Secretary to Government
Higher Education Department
Fort St. George,
Chennai.
- 2.The Director of Technical Education,
Guindy, Chennai.
- 3.The Registrar,
Anna University
Guindy
Chennai 25
- 4.The Director
Anna University
Guindy, Chennai.



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5. The Dean

University College of Engineering,
Bharathidasan Institute of Technology Campus
Anna University
Tiruchirappalli.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to to forbear the respondents from disturbing the service of the petitioner as Superintendent in the University College of Engineering Bharathidasan Institute of Technology Campus Anna University Trichy-620 024 and consequently to direct the respondents to grant absorption to the petitioner as Superintendent in the 5th respondent wef. 01/02/2012 viz the date of completion of probation with all monetary and other attendant and service benefits on par with the employees recruited in pursuant to the notification issued by the 3rd respondent vide his proceedings Recruitment Advt.No.AU-T/03-2009 dt 25/12/2009 based on the petitioners representations dt 14/06/2016 20/11/2017 10/01/2018 05/02/2018, 02.05.2018, 26.06.2018, 13.08.2018, 08.10.2018, 09.01.2019, 04.07.2019, 25.09.2019 & 28.02.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthick

For Respondents : Mr.J.Ashok for R1 & R2
Additional Government Pleader
Mr.E.V.N.Siva for R3



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ORDER

This writ petition has been filed for a mandamus to forbear the respondents from disturbing the service of the petitioner as Superintendent in the University College of Engineering Bharathidasan Institute of Technology Campus Anna University Trichy-620 024 and consequently to direct the respondents to grant absorption to the petitioner as Superintendent in the 5th respondent wef. 01/02/2012 viz the date of completion of probation with all monetary and other attendant and service benefits on par with the employees recruited in pursuant to the notification issued by the 3rd respondent vide his proceedings Recruitment Advt.No.AU-T/03-2009 dt 25/12/2009 based on the petitioners representations.

2.The case of the petitioner in nutshell is as follows:

The petitioner was appointed as Superintendent on 28.01.2010 in the 5th respondent College. The College is affiliated to the 3rd respondent University. Along with the petitioner, three other Superintendents were also appointed and the petitioner was appointed initially in the Anna University,



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Tiruchirappalli. The selection was based on communal rotation and written examination followed by an interview. As such, the petitioner was working in the said cadre for the past 11 years. In the meanwhile, the Universities were all merged with third respondent University during the year 2012. Subsequently, the first respondent constituted a monitoring committee to oversee the transition process of merging the universities and to find out the process of accommodating the teaching and non teaching staff in the university and its constituent colleges. The monitoring committee found that there is one excess appointment of Superintendent in the erstwhile Anna University. For three posts, there were four Superintendents and one post is found to be surplus. The petitioner is the seniormost in the cadre of Superintendent and along with the petitioner, there are three other persons, who are juniors. G.O.Ms.No.452 dated 20.10.2015 was issued for absorbing teaching and non teaching staff under the third respondent and accordingly, the committee made certain recommendations. As per the said recommendation, the petitioner will fall within 137 posts, who are all sought to be absorbed. However, the committee held that 135 candidates were found to be invalid. Accordingly, published a list, where the name of the



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petitioner also find a place. Though the petitioner was selected following the selection process and recruitment rules, terming the appointment of the petitioner as invalid is not sustainable and hence, the petitioner made representations to the respondents and hence, this petition.

3. The learned counsel for the petitioner would submit that the appointment of the petitioner is not stated to be invalid, since as per the selection process and after fulfilling eligible criteria, the petitioner was selected in the year 2010 and all along the petitioner is working for more than ten years in the fifth respondent college. While so, terming the petitioner's post is invalid is not sustainable and hence, prays for appropriate direction.

4. The learned standing counsel for the respondent University would submit that in respect of teaching staff, already a policy decision was taken and a decision is taken to absorb all teaching staff in the respective university. However, since the petitioner is a non teaching staff, appropriate orders will be passed.



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5. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

6. In the light of the above submission, without going into the merits of the matter and without expressing any opinion with regard to the claim made by the petitioner, this writ petition is disposed of with a direction to the respondent University to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

14.12.2022

Index : Yes/No
Internet : Yes
RR

To
The Principal Secretary to Government
Higher Education Department
Fort St. George,
Chennai.



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M.DHANDAPANI, J.

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