



W.P.(MD)No.5436 and 5438 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)Nos.5436 and 5438 of 2020
W.M.P(MD).Nos.4729 and 4739 of 2020**

C.Senthil Kumar ... Petitioner in W.P(MD).No.5436 of 2020
E.Venkatalakshmi ... Petitioner in W.P(MD).No.5438 of 2020

Vs.

The Manonmaniam Sundaranar University,
Rep.by its Registrar,
Abishekapatti,
Tirunelveli-627 012.

... Respondent in both petitions

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the respondent University in Ref.MSU/R/Estt(Admin)/NMR/Reply/2020 dated 20.02.2020, quash the same and further direct the respondent University herein to



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regularize/appoint the petitioner in any one of the existing vacancy in the post of Office Assistant or Record Clerk/Attender service or Driver and sanction and release all monetary benefits in the light of the common order dated 02.07.2019 passed by this Court in W.P(MD).No.19216 of 2018 etc.,

In both petitions

For Petitioner : Mr.T.Cibi Chakraborty

For Respondents : Mr.H.Jasimal Yasim
for M/s.Ajmal Associates

C O M M O N O R D E R

These Writ Petitions have been filed to call for the records relating to the impugned order issued by the respondent University in Ref.MSU/R/Estt(Admin)/NMR/Reply/2020, dated 20.02.2020, quash the same and direct the respondent University herein to regularize/appoint the petitioner in any one of the existing vacancies in the post of Office Assistant or Record Clerk/Attender service or Driver, and sanction and release all monetary benefits in the light of the common order, dated 02.07.2019 passed by this Court in W.P(MD).No.19216 of 2018 etc.,



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2. The case of the petitioners is that the petitioners were appointed as Skilled NMRs in the regular vacancy and on completion of five years of service, the petitioners made representation to absorb them in the regular vacancy as Junior Assistant. However, the respondent University has rejected the claim of the petitioners, for which, they have filed writ petitions before this Court in W.P(MD).Nos.19216 and 19217 of 2018 and the said writ petitions were disposed of, on 02.07.2019 by issuing a direction to the respondents to consider the petitioners' candidatures and pass appropriate orders on merits and in accordance with their own scheme and law and also in the light of the regularization made in respect of similarly situated persons within a period of four weeks. The said direction issued by this Court was not properly complied and again, the respondent University has mechanically passed the impugned orders. Challenging the same, the present writ petitions have been filed.

3. The learned counsel appearing for the petitioners would submit that the petitioners were appointed as NMRs and they continued in their



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employment on consolidated pay upto 2018 and thereafter, they were not given employment. In the absence of any interim order, they are not continued in the employment in the respondent University. However, this Court may permit the petitioners to participate in the future selection process and may issue a direction to the respondent University to give age relaxation to the petitioners in the event of participation in the selection process, since the petitioners have rendered 11 years of service.

4. The learned counsel for the respondent would submit that the age relaxation cannot be granted directly since the Syndicate is the Competent Authority for considering the age relaxation of the petitioners for participation in the future selection process in the respective posts. Hence, he prays for dismissal of the present writ petitions.

5. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent.



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6. The facts in the present case are not in dispute. Admittedly, the petitioners were appointed as NMRs in the regular vacancy. However, their services were not regularised on completion of five years of services. Though this Court issued a direction to the respondent University to consider the petitioners' candidature on merits and in accordance with law and in the light of the past service rendered by the petitioners, the respondents have rejected the candidatures of the petitioners on the ground that the Service Regulation has not permitted them in the regular vacancy and the vacancy has to be fulfilled only through public employment by way of notification. However, the genuine apprehension of the petitioners is that their age may be barred for participating in the next recruitment process.

7. In view of the above, this Court is inclined to issue a direction to the respondent University to consider the age relaxation of the petitioners in the next selection process and allow the petitioners to participate in the next selection process by relaxing the age, if they are otherwise qualified.



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8. Accordingly, these Writ Petitions are disposed of. No costs.

Connected miscellaneous petitions are closed.

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Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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