



W.P(MD)No.11103 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11103 of 2021

and

W.M.P.(MD)No.8718 of 2021

D.Arnold Infant

... Petitioner

Vs

The Registrar,
Tamil University,
Thanjavur,
Thanjavur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in respect of order passed by the respondent vide proceedings in Na.Ka.No.A1/8821/2015 dated 27.04.2021 and quash the same as illegal and consequently direct the respondent to regularize the petitioner's service in the post of Radio Announcer/Technical Assistant in the sanctioned cadre at the respondent office and place the petitioner in time scale of pay along with all monitory and other attendant benefits w.e.f 08.10.2015 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.K.Ragatheesh Kumar,
For M/s.Isaac Chambers.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner after completing Diploma in Electronics and Communication Engineering in the year 2010 acquired B.E. Degree also. He was appointed as Radio Announcer in the respondent university on consolidated pay basis in the year 2015. The petitioner seeks regularization of his services. When the petitioner earlier filed W.P.(MD)No.13541 of 2020, vide order dated 09.02.2021, the respondent university was directed to consider the petitioner's representation dated 23.03.2020. Pursuant to the aforesaid direction, the impugned order rejecting the petitioner's request came to be passed. The same is put to challenge in the present writ petition.

3.The learned counsel for the writ petitioner as well as the learned standing counsel for the respondent University took me through the averments set out in the respective pleadings.



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4.I carefully considered the rival contentions and also went through the materials on record. It is not in dispute that the recruitment notification issued by the University on 25.09.2015 called for applications for filling up the post of Radio Announcer only on consolidated pay basis. The petitioner was appointed vide proceedings dated 07.10.2015. The petitioner cannot now seek regularization of his services and appointment on regular basis. If the original notification had not indicated that the post of Radio Announcer would be appointed only on consolidated pay basis, then obviously, it would have attracted more number of candidates. If the petitioner's service is now regularized, it would obviously be a violation of rights of third parties. Such a result cannot be countenanced. That apart, the post of Radio Announcer itself has been abolished in the year 2020. It was only a scheme post. Since the University authorities did not want to oust the writ petitioner, he is now permitted to discharge the duties attached to the post of Technical Assistant. As and when the vacancy in the post of Technical Assistant is filled up on regular basis, the petitioner need not be disturbed. In other words, the petitioner can be permitted to work on consolidated pay basis as Technical Assistant. As and when the vacancy is advertised for appointment on regular basis, the petitioner can also be permitted to take part therein. I am confident that the petitioner's past experience will also be taken note of.



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G.R.SWAMINATHAN, J.

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5.With these observations and direction to the respondent University to maintain the status quo till the post of Technical Assistant is filled up on a regular basis, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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