



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

WEB COPY

W.P. (MD)Nos.5901 and 5902 of 2019

and

W.M.P(MD)Nos.4727 and 4728 of 2019

1.K.Nirmal Kumar ... Petitioner in W.P(MD)No.5901/19
2.S.Christopher ... Petitioner in W.p(MD)No.5902/19

Vs.

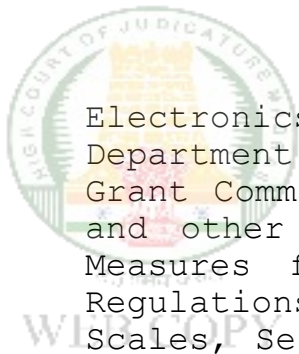
1.The Vice Chancellor,
Anna University,
Chennai-600 025.

2.The Registrar of Anna University,
Chennai-600 025.

3.The Dean,
University College of Engineering,
Ramanathapuram. ... Respondents in all W.Ps

PRAYER in W.P(MD)No.5901 of 2019: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Declaration, to treat the petitioners initial appointment on 19.08.2011 as Assistant Professor with Time Scale of Pay and Grade Pay applicable to the post of Assistant Professor by the respondents with Annual Increments and revisions in Pay Scale and Grade Pay in the Department of Computer Science and Engineering or any applicable Department in the respondent University in terms of the University Grant Commission (Minimum Qualification for appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2010 and All India Council for Technical Education (Pay Scales, Service Conditions and qualification for teachers and other academic staff in Technical Institutions-Degree), Regulations 2010 read with clarification notification dated 09.06.2016 issued by All India Council for Technical Education.

PRAYER in W.P(MD)No.5902 of 2019: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Declaration, to treat the petitioners initial appointment on 17.03.2015 as Assistant Professor with Time Scale of Pay and Grade Pay applicable to the post of Assistant Professor by the respondents with Annual Increments and revisions in Pay Scale and Grade Pay in the Department of



Electronics and Communication Engineering or any applicable Department in the respondent University in terms of the University Grant Commission (Minimum Qualification for appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2010 and All India Council for Technical Education (Pay Scales, Service Conditions and qualification for teachers and other academic staff in Technical Institutions-Degree), Regulations 2010.

For Petitioners : Mr.N.S.Nandhakumar
For R1 & R2 : Mr.E.V.N.Siva
For R3 : Mr.M.Ramesh
Government Advocate

COMMON ORDER

The learned counsel appearing for the respondent University made a submission that the petitioners were engaged purely on temporary basis as teaching faculty. The engagement of teaching faculty on temporary basis was made based on the following terms and conditions:

"1.The assignment will be on contract basis for a period from 05.07.2018 to 31.12.2018. He will be paid a consolidated salary of Rs.22,000/- (Rupees Twenty Two Thousand only) per month.

2.He is eligible for one day Casual Leave per month for this period of service.

3.He will be governed by the Anna University employees Conduct Rules as in force from time to time.

4.The Consolidated salary payable is for a full time assignment.

5.The nature of work and duties shall be assigned by the Dean i/e, University College of Engineering, Ramanathapuram and the authorities of the University from time to time.

6.The assignment does not confer any right to privilege for a regular, permanent or tenure appointment in the University.

7.He is informed that the assignment is purely temporary and is liable for termination.

8.He is directed to give one month prior notice before leaving the post.

9.He should not claim any right for future regular appointment.

10.He shall report to the Dean i/e, University College of Engineering Ramanathapuram.

11.He is informed that on completion of his tenure, the services would be terminated automatically and there will be no further engagement of services beyond 31.12.2018.



12. Subject to the above condition, he may continue further with their written consent."

2. The learned counsel appearing for the respondent University made a submission that all the petitioners have already relieved from their services. The period of temporary appointment came to an end on 13.12.2018 itself and thereafter, the petitioners have filed a writ petition in W.P.(MD)No.24906 of 2018 and an interim order of Status quo was granted on 18.12.2018. However, the said interim order was not extended beyond 12.02.2019 and thereafter, the petitioners have not reported for duty.

3. This Court is of the considered opinion that the petitioners were engaged as teaching faculty purely on temporary basis on certain terms and conditions. As per the terms of the contract appointment, the terms expired on 31.12.2018, therefore, the petitioners cannot have any right beyond the period of contract.

4. In view of the fact that the petitioners have not established any right for their continuance in view of the agreements signed by them, the relief as such sought for in the present writ petition cannot be considered. The petitioner's right of appointment ended on the date of expiry of contract and therefore, no further consideration is required. Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Dean,
University College of Engineering,
Ramanathapuram.

+1 CC to M/s.SPL.GP (SR-21005[F] dated 25/04/2022)

W.P. (MD)Nos.5901 and 5902 of 2019

and

W.M.P (MD)Nos.4727 and 4728 of 2019

22.04.2022

MGJ(13.05.2022) 3P 3C