



WA(MD)No.870 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.09.2022

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

W.A.(MD)No.870 of 2018

Dr.S.Samsudeen

... Appellant/Petitioner

/Vs./

1.Madurai Kamaraj University,
Represented by its The Registrar,
Madurai District.

2.The Vice Chancellor,
Madurai Kamaraj University,
Madurai District.

3.The Regional Director,
National Council Teacher Education,
Southern Regional Committee,
Nagarabhavi,
Jnana Bharathi Campus Road,
Opposite to National Law School,
Bangalore-560 072.

...Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent, praying this Court, to allow the writ appeal and set aside the order dated 27.02.2018 passed in W.P(MD)No.14121 of 2012 on the file of this Court.



WEB COPY



WA(MD)No.870 of 2018

For Appellant : Mr.T.Lajapahti Roy
For R1 & R2 : Mr.C.Karthikeyan
for M/s.Isacc Chambers
For R3 : No appearance

JUDGMENT

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

This writ appeal has been filed against the order passed by the learned Single Judge in W.P(MD)No.14121 of 2012 dated 27.02.2018, wherein, the writ petitioner had sought for a direction to Madurai Kamaraj University to consider for appointing him in a regular post of Assistant Professor (Physical Education).

2.Heard Mr.T.Lajapahti Roy, learned counsel appearing for the appellant and Mr.C.Karthikeyan, learned counsel appearing for the first and second respondents.

3.We have carefully considered the submissions made on either side and the order passed by the learned Single Judge.



WA(MD)No.870 of 2018

4.The learned Single Judge has given a categoric finding that the service of the writ petitioner was utilized by the University only on contract basis and he was not regularly appointed to the post of Assistant Professor. In view of the same, the writ petitioner was not appointed in accordance with the Recruitment Rules that governed by the respondent University. The learned Single Judge had taken into account the judgment of Hon'ble Supreme Court in the case of ***the Secretary, State of Karnataka and others .vs. Umadevi(3) and others reported in (2006) 4 Supreme Court Cases 1*** and concluded that a person, who was not recruited through the regular stream by following the Rules, is not entitled to seek for regularization.

5.In the considered view of this Court, we do not find any ground to interfere with the order passed by the learned Single Judge. The writ petitioner did not have the legal right to seek for regularization, since admittedly he was appointed on contract basis.



WA(MD)No.870 of 2018

6.In view of the above, this Writ Appeal is dismissed. No costs.

WEB COPY

(J.N.B.,J.) (N.A.V.,J.)
28.09.2022

Index : Yes/No

Internet : Yes

Ns

To:

The Record Keeper,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



WA(MD)No.870 of 2018

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

Ns

Judgment made in
W.A.(MD)No.870 of 2018

Dated
28.09.2022