



W.P.(MD) No.5641 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5641 of 2020

and

W.M.P(MD) Nos.4934 and 4935 of 2020

Fisheries University Teachers Association,
Rep by its General Secretary,
Prof.R.Jeyashakila
Having Registered Office at
3a/180, T.V.K.Nagar, FCI Godown Opposite,
Bypass Road,
Thoothukudi-628008.

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
The Government of Tamil Nadu,
Animal Husbandry Dairying and Fisheries,
Chennai.
- 2.The Vice Chancellor,
Tamilnadu Dr.J.Jayalalitha Fisheries University,
Vettar River View Campus, Nagapattinam.
- 3.The Registrar,
Tamilnadu Dr.J.Jayalalitha Fisheries University,
Vettar River View Campus, Nagapattinam.

(R4 and R5 suo motu deleted vide order of this
Court dated 18.03.2020)

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in U.S.O.No. 217/TNJFU/Estt./R1/2020, RC.No.5430/TNJFU/Esst./R1/2020 passed on 28.02.2020 on the file of the third respondent and quash the same as illegal and consequently, to direct the respondents to recognize the Fisheries universities Teachers Association (FUTA) registered under Tamil Nadu Societies Registration Act, 1975 on 01.11.2019 within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For R1 : Mr.M.Prakash
Additional Government Pleader

For R2 & R3 : Mr.V.Karthikeyan
for Mr.V.Vijayashankar

ORDER

The above writ petition has been filed for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order in U.S.O.No.217/TNJFU/Estt./R1/2020, RC.No. 5430/TNJFU/Esst./R1/2020 passed on 28.02.2020 on the file of the third respondent and quash the same as illegal and consequently, to direct the



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respondents to recognize the Fisheries universities Teachers Association (FUTA) registered under Tamil Nadu Societies Registration Act, 1975 on 01.11.2019 within the time stipulated by this Court.

2. The impugned order refusing to accord recognition to the petitioner association is made on the ground that association has not been able to show proof that they have de-linked from the parent association TANUVASTA and also that the previous permission has been accorded by the university for the formation of the association. That apart the impugned order would further state that the association itself has come into existence only to protect one Dr.R.Jeyashakila, Professor, against whom the disciplinary action has been instituted for disobedience/insubordination. The impugned order would further state that the petitioner association is functioning against the Teachers of the University and therefore, their recognition would create disharmony in the working administration at the University.

3. It is now informed that the said Dr.Jeya Shakila has now been promoted as Dean and no longer associate with the Association. It is also



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stated that under Clause 10.3(j) of the Tamil Nadu Fisheries Universities Rules in order to recognize an association, the same should consist atleast 30% of the total number of employees eligible to become members of the association. The communication of the third respondent, dated 30.05.2023 would indicate that there are totally 94 employees and 30% of that would be 28. However, the number of the members are only 17. Therefore, there is a shortfall to the number as set out in clause 10.3(j) TNFU Rules.

4. In view of the above, there is no error in the order impugned. Accordingly, this Writ Petition is dismissed. It is needless to state that as and when the requisite members are available in the petitioner association, it is open to them to seek recognition afresh. No costs. Consequently, connected miscellaneous petitions are closed.

01.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

The Principal Secretary to Government,
The Government of Tamil Nadu,
Animal Husbandry Dairying and Fisheries,
Chennai.



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P.T.ASHA, J.

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