



WP(MD) No.12589 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Eleventh day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

WMP(MD) Nos.11280 and 8920 of 2022

IN

WP(MD) No.12589 of 2022

WMP (MD) No.11280 of 2022:

THE REGISTRAR
BHARATHIDASAN UNIVERSITY,
PALKALAI PERUR,
TIRUCHIRAPALLI.

... Petitioner / 2nd Respondent

Vs

1 S.SEKAR

... 1st Respondent / Writ Petitioner

2 MEENAKSHI RAMASAMY ARTS AND SCIENCE COLLEGE,
THATHANUR,
ARIYALUR DISTRICT
REPRESENTED BY ITS SECRETARY

3 GOVERNMENT OF TAMILNADU
REPRESENTED BY
PRINCIPAL SECRETARY TO THE
GOVERNMENT (HIGHER EDUCATION DEPARTMENT),
SECRETARIAT,
CHENNAI.

... Respondents 2 & 3 / Respondents 1 & 3



WP(MD) No.12589 of 2022

Prayer in WMP(MD). 11280/ 2022 :

To vacate the interim order dated 27.06.2022 granted by this Honble Court in WMP(MD) No. 8920 of 2022 in WP(MD) No. 12589 of 2022 and dismiss the above writ petition.

WMP(MD) No.8920 of 2022:

S.SEKAR

... Petitioner

Vs

1 MEENAAKSHI RAMASAMY ARTS AND SCIENCE COLLEGE,
THATHANUR,
ARIYALUR DISTRICT
REPRESENTED BY ITS SECRETARY,

2 THE REGISTRAR
BHARATHIDASAN UNIVERSITY,
PALKALAIKERUR,
TIRUCHIRAPALLI.

3 GOVERNMENT OF TAMIL NADU
REPRESENTED BY
PRINCIPAL SECRETARY TO THE GOVERNMENT
(HIGHER EDUCATION DEPARTMENT),
SECRETARIAT,
CHENNAI.

... Respondents

Prayer in WMP(MD). 8920/ 2022 :

To pass an interim order directing the 2nd respondent Bharathidasan University to approve continuation of my service as the Principal in the 1st respondent college from 22.06.2022 to 31.05.2023 on re-employment and even thereafter upto 31.05.2025 as first instance and from 22.06.2025 to 31.05.2027 as second spell for two years, pending disposal of the writ petition.



WP(MD) No.12589 of 2022

Prayer in WP(MD). 12589/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 2nd respondent Bharathidasan University to provide me the benefit of Regulation No.8(f) of U.G.C. Regulations 2010 extending the petitioners service as the Principal in the 1st respondent college for a further period of 3 years from my age of 65 to my age of 68 years, from 22.06.2022 to 21.06.2025 as the first spell and to permit re-employment for a period of 2 years from 22.06.2025 to 21.06.2027 as 2nd spell.

ORDER : These writ miscellaneous petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. SHANMUGANATHAN. V.R, Advocate for the petitioner in WMP(MD) No.11280 of 2022 and Respondent No.2 in WMP(MD) No.8920 of 2022 and of Mr.S.K.MANI, Advocate on behalf of the Respondent No.1 in WMP(MD) No.11280 of 2022 and petitioner in WMP(MD) No.8920 of 2022 and of Mr.P.CHELLAM, Advocate on behalf of the Respondent No.2 in WMP(MD) No.11280 of 2022 and Respondent No.1 in WMP(MD) No.8920 of 2022 and of Mr.V.OMPRAKASH, Government Advocate on behalf of the Respondent No.3 in WMP(MD) No.11280 of 2022 and 8920 of 2022, the court made the following order:-

This writ petition has been filed with the following prayer:

“....praying this court to issue a writ of Mandamus directing the 2nd respondent Bharathidasan University to provide the benefit of Regulation No.8(f) of U.G.C. Regulations 2010 extending the petitioner’s service as the Principal in the 1st respondent college for a further period of 3 years from the age of 65 to the age of 68 years, from 22.06.2022 to 21.06.2025 as the first spell and to permit re-employment for a period of 2 years from 22.06.2025 to 21.06.2027 as 2nd spell”



WP(MD) No.12589 of 2022

WEB COPY

2.The petitioner relies upon Regulation No.8(f) of U.G.C. Regulations 2010 to extend his service as the Principal of the 1st respondent College, which is a self-financing College. He seeks extension for a further period of 3 years from 65 to 68 years, as the first spell and for further period of 2 years from 68 to 70 years as second spell.

3.Pending the writ petition, the petitioner has filed W.M.P(MD)No.8920 of 2022 with the following prayer.

“....praying an interim order directing the 2nd respondent Bharathidasan University to approve continuation of his service as the Principal in the 1st respondent college from 22.06.2022 to 31.05.2023 on reemployment and even thereafter upto 21.06.2025 as the first instance and from 22.06.2025 to 21.06.2027 as second spell for two years, pending disposal of the writ petition”

4.Perusal of the main prayer and the interim prayer clearly indicate that both are one and the same. The petitioner was granted an order of Status-quo on 27.06.2022 by this Court. The learned Standing Counsel appearing for the respondents brought to the notice of this Court that taking advantage of the order of status-quo, the petitioner is continuing as Principal, thereby, receiving all the benefits as if, the writ petition is allowed.



WP(MD) No.12589 of 2022

WEB COPY

5.I am in full agreement with the submissions of the learned Standing Counsel that the interim prayer is similar to the main prayer sought for in writ petition. The Status-quo already granted by this Court stands vacated. Hence, W.M.P(MD)No.11280 of 2022 stands allowed and W.M.P(MD)No.8920 of 2022 stands dismissed.

6.The learned counsel for the petitioner seeks time to amend the writ petition to incorporate the prayer for challenging the order, dated 13.06.2022.

7.Granted this liberty, post the main writ petition on 10.01.2024.

sd/-
11/12/2023

/ TRUE COPY /

12/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

To

1 THE REGISTRAR
BHARATHIDASAN UNIVERSITY,
PALKALAIKERUR,
TIRUCHIRAPALLI.

2 PRINCIPAL SECRETARY TO THE GOVERNMENT
GOVERNMENT OF TAMIL NADU
(HIGHER EDUCATION DEPARTMENT),
SECRETARIAT, CHENNAI.



WP(MD) No.12589 of 2022

+1 CC to M/s.S.K.MANI, Advocate (SR-17584[I] dated 11/12/2023)

ORDER
IN
WMP(MD) Nos.11280 and 8920 of 2022
IN
WP(MD) No.12589 of 2022
Date :11/12/2023

ED/ /SAR- (12/12/2023) 6P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023