



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD) No.2528 of 2016

and

WMP (MD) Nos. 2231, 2232 & 2233 of 2016

1. P.Senthilkumar
2. A.M.Alagar

... Petitioners

Vs.

The Registrar,
The Anna University,
Sardar Patel Road,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Certiorarified Mandamus***, to call for the records of the respondent in Advertisement No.001/PR 33/2016 dated 13.01.2016 and quash the same as illegal and arbitrary and also direct the respondent to regularize the service of the petitioner at once.

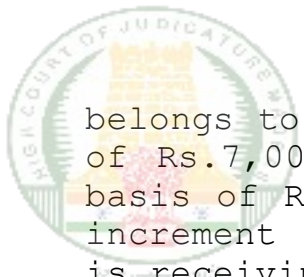
For Petitioners : Mr.Ganapathi Subramanian
For Respondent : Mr.E.V.N.Siva
Standing Counsel

ORDER

This writ petition is filed to quash the impugned Advertisement No.001/PR 33/2016, dated 13.01.2016.

2. Heard Mr.Ganapathi Subramanian, learned counsel appearing for the petitioner and Mr.E.V.N.Siva, learned Standing Counsel appearing for the respondent. Perused the material documents available on record.

3. The petitioner has completed Diploma in Electronics and Communication Engineering and B.E.(I.T), and joined as System Administrator in Bharathidasan Institute of Technology, Tiruchirapalli and continued in the then Anna University of Technology, Tiruchirapalli on temporary basis. The 1st petitioner



belongs to Scheduled Caste community and received consolidated pay of Rs.7,000/-per month. Then, he received salary on daily wage basis of Rs.369/-per day. Every year the respondents have issued increment and the same was received. At present, the petitioner is receiving a sum of Rs.578/-per day.

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4. Likewise, the 2nd petitioner has also completed Professional Assistant-I in the then Anna University of Technology, Trichirappalli on 24.01.2009. The second petitioner also belongs to Scheduled Caste and was receiving a sum of Rs.10,000/-as consolidated pay, thereafter, started receiving daily wage basis and at present he is receiving salary for a sum of Rs.578/-per day. The petitioners are continuing in the said wages.

5. The respondents without regularizing the petitioners' service issued an impugned advertisement No.001/PR 33/2016, dated 13.01.2016, inviting applications for the post of 45 Junior Assistant posts and 75 Office Assistant posts. Aggrieved over the said advertisement, the petitioners are before this Court to quash the impugned advertisement and direct the respondents to regularize the service of the petitioners.

6. At the time of admission this Court has not granted any interim orders. However, the respondents have not acted upon the advertisement, since the advertisement was challenged in this writ petition and also challenged in various writ petitions. The learned Standing counsel appearing for the respondents confirmed that the advertisement was challenged in several writ petitions and hence the respondents have not proceeded with the recruitment process and hence, prayed to dismiss the writ petition. This submission of the respondent is recorded.

7. Recording the said submission, this Court is of the considered opinion that the petitioners cannot seek regularization to the post of Junior Assistant and Office Assistant, when the petitioners were appointed as System Analysts.

8. The similar issue was already decided by this Court and has passed order in W.P(MD)Nos.1745, 2333, 2334 and 2381 of 2016, dated 31.03.2022. The relevant paragraph Nos.3 to 6 of the said order are extracted hereunder:

.....

"3.The contention of the petitioner is that since he is eligible to the said post, rather than calling from open market, the respondent ought to regularize the petitioner in the said post. There are similar Writ Petitions filed before the

<https://www.mhc.tn.gov.in/judis> Principal Bench and this Court.



4. The Learned Counsel for the responde submitted that since the advertisement was challenged in several writ petitions the respondent has not proceeded further based on the said Advertisement. And also submitted if at all recruitment is necessary, the University will issue a fresh advertisement and will not proceed with the impugned advertisement. The said submission is being recorded. The writ petitioners have filed this writ petition to quash the advertisement dated 13.01.2016 and as stated supra the part of the prayer is considered by the respondent and hence the impugned advertisement is quashed.

5. The other part of the prayer is to regularize the petitioners service. Since the respondent has every right to decide to recruit meritorious candidate based on the need of the institution, the petitioners cannot claim regularization as a matter of right. However, seeing the long tenure of the petitioners from 2008 onwards, the petitioner is entitled to some weightage.

6. Therefore, the respondents are directed to consider the petitioners long service and grant some weightage, even if new recruitment process is carried out. If need be, the age relaxation shall also be granted to the petitioners".

9. Since the respondents have not acted upon the impugned advertisement, the impugned Advertisement No.001/PR33/2016, dated 13.01.2016, is hereby quashed. As far as the other portion of the prayer is concerned, for regularizing the service of the petitioners' the respondents have every right to decide to recruit meritorious candidates, based on the need of the Institution. Therefore, positive directions for regularizing the petitioners' service cannot be granted. However, the respondents are directed to consider and grant some weightage to the service of the petitioners', thereafter proceed with the recruitment process, in accordance with law.

10. Accordingly, this Writ Petition is allowed in above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar()

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/07/2023

Sub Assistant Registrar(CS)



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To

The Registrar,
The Anna University,
Sardar Patel Road,
Chennai.

W.P. (MD) No. 2528 of 2016
05.06.2023

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