



W.P.No.6955 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.6955 of 2020
and W.M.P.No.8296 of 2020

Parameswari

... Petitioner

Vs.

1.Union of India,
Rep by the Secretary to the Government,
Ministry of Human Resource Development,
New Delhi.

2.The Secretary to Government,
Department of Revenue,
Government of Pondicherry,
Pondicherry.

3.The Vice Chancellor,
Pondicherry University (Central University),
Kalapet, Pondicherry 605 014.

4.The Deputy Registrar (ADMN),
Pondicherry University (Central University),
Kalapet, Pondicherry 605 014.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Ref: No.PU/ESTT/NT4/2019-20/139 dated 14.01.2020 passed by the 4th respondent and quash the same as illegal,



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unjust and consequently direct the respondents 2 and 3 to appoint the petitioner in the appropriate (Group C & D) existing post or future vacancies in the Pondicherry University (Central University) in terms of the policy scheme dated 18.05.1989 & 12.12.2017 evolved by the Government of Puducherry to give appointment to the members/wards of the family of the persons whose lands have been acquired by the first respondent / Government of Puducherry under the Scheme of Land Acquisition Act 1894 and pass orders.

For Petitioner : Ms.D.E.Anisree Sangavi
For Respondents : Mr.M.Nirmalkumar,
Govt. Advocate (Puducherry) for R2
Ms.Aishaparveen for Mr.M.Ravi for R3

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Ref: No.PU/ESTT/NT4/2019 -20/139 Dated 14.01.2020 passed by the 4th respondent and quash the same as illegal, unjust and consequently direct the respondents 2 and 3 to appoint the petitioner in the appropriate (Group C & D) existing post or future vacancies in the Pondicherry University (Central University) in terms of the policy scheme dated 18.05.1989 & 12.12.2017 evolved by the Government of Puducherry to give appointment to the members/wards of the family of the persons



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whose lands have been acquired by the first respondent / Government of Puducherry under the Scheme of Land Acquisition Act 1894 and pass orders.

2. Heard Ms.D.E.Anisree Sangavi, learned counsel for the petitioner, Mr.M.Nirmal Kumar, learned Government Advocate for R2 and Ms.Aisha Parveen, learned counsel for R3.

3. One Selva Ganapathy who is said to be the petitioner's husband's grandfather was the owner of the land in R.S.No.77/5, Pillaichavady Revenue Village measuring to an extent of 0.35.00 Hectares. The said land was acquired by the Government of Pondicherry, Directorate of School Education, Central University, for establishment of University for 780 acres. The grievance of the petitioner is that the land was acquired in the year 1986. On a meeting conducted on 18.05.1989 in the presence of the Hon'ble Chief Minister of Pondicherry regarding the provision for employment opportunity to the members of the families whose lands were acquired by the University, a resolution has been passed unanimously by agreeing to offer employment to the affected families in



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the University either in Group 'C' or Group 'D' category to the extent that was available in accordance with the qualification and other attendant circumstances.

4. Pursuant to that, some of the families whose lands have been acquired have been given with employment. The petitioner has stated that such employment opportunity was not extended to her and aggrieved over that the petitioner has filed W.P.No.28821 of 2019 by seeking a direction to the respondents to absorb and appoint the petitioner based on her educational qualification in either Group 'C' or Group 'D' posts in the third respondent University in the existing and future vacancies, by considering the fact that her land has also been acquired by the University. The said Writ Petition was disposed with a direction to the respondent University to consider the representation of the petitioner dated 14.09.2017 and pass orders within a period of 12 weeks from the date of receipt of a copy of that order. However, the fourth respondent passed the impugned order without considering the policy decision and rejected the petitioner's representation on the ground of delay. Challenging the same, the petitioner is before this Court.



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5. It is submitted by the learned counsel for the third respondent that as per the UGC guidelines, the staff strength between the teaching and non-teaching staff should be in the ratio of 1:1:1. However due to employment offered to the land owners, the non-teaching strength has increased beyond the permitted limit and that was objected during the audit of the University.

6. The learned counsel for the petitioner submitted that though in the minutes of the meeting dated 18.05.1989, it was agreed by the third respondent that employment opportunities will be given to the land owners who have lost their lands, there was no separate agreement entered into between the land owners and the University on a case to case basis. In the meeting of the authorities of the University with the Hon'ble Chief Minister of Pondicherry, it has been agreed as a goodwill gesture to offer employment to the people who lost their lands. But subsequently no scheme was drafted by taking into consideration of the number of vacancies, number of applicants and the feasibility of accommodating the applicants in accordance with the permitted limit of the ratio between the



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non-teaching and teaching staff of the University.

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7. Though the University was able to consider certain cases and offered them employment, it is unfortunate that such accommodation cannot be given to others who were also rushing to the doors of the University with an expectation that they would get some appointment. Taking into consideration of the plight of the people who lost their lands and life and have given several applications for seeking job, it is appropriate to show some benevolence by the Government of Puducherry.

8. In the meeting held between the Hon'ble Chief Minister of Pondicherry with the authorities of the University, some assurance is given. Hence, the second and third respondents shall provide suitable employment to the petitioner whenever feasible opportunity is available.

9. In view of the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes/No
Speaking / Non-speaking
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To

- 1.The Secretary to the Government,
Ministry of Human Resource Development,
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R.N.MANJULA, J.

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