



W.A.No.953 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.A.No.953 of 2020

Dr.Murugesan Elangovan

... Appellant

Vs.

1.The Registrar,
Pondicherry University (A Central University),
Dr.B.R.Ambedkar Administrative Building,
R.Venkatraman Nagar,
Puducherry – 605 014.

2.Dr.M.Jeeva

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying to set aside the order dated 04.06.2020 made in W.P.No.7141 of 2012.

For Appellant	: Mr.S.Ramesh
For R1	: Mrs.A.V.Bharathi
For R2	: No appearance

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR, J.)

This writ appeal has been directed against the order passed by the

Writ Court dated 04.06.2020 made in W.P.No.7141 of 2012.



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2. In the said writ petition originally filed a writ of declaration declaring the action of the 1st respondent i.e. the Registrar, Pondicherry University in selecting and appointing the 2nd respondent as Associate Professor in Tamil Department in Pondicherry University as illegal with a consequential direction to the 1st respondent to appoint the petitioner/appellant as Associate Professor.

3. Subsequently, miscellaneous petitions in M.P.Nos.1 and 2 of 2013 had been filed, whereby, the prayer sought to be amended seeking a declaration to declare that the order of appointment issued in favour of the 2nd respondent should be declared as illegal.

4. The said writ petition along with miscellaneous petitions had been taken up and disposed by the learned Judge by order dated 04.06.2020, under which the learned Judge has stated that, if at all any declaration is sought for against the order of appointment made against the 2nd respondent viz., Dr.M.Jeeva, Associate Professor, the said order appointing her as Associate Professor should have been placed before the Court and without perusing or seeing the said order, the validity of the



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said order cannot be decided on merits by the Court, therefore on that ground the learned Judge was inclined to dismiss the writ petition, therefore on merits it has not been traversed.

5. However, the appellant has raised the point that, by a typed set of papers dated 30.01.2013 filed before the Writ Court the appointment order dated 09.03.2012 has been annexed and along with the said typed set of papers only the said M.P.Nos.1 and 2 of 2013 since had been filed, it was not noticed by the Writ Court, therefore the order that has been passed by the Writ Court which is impugned herein is erroneous one.

6. Instead of going into that controversy, the writ petition since has not been decided on merits with regard to the validity of the appointment order made by the University in favour of the 2nd respondent appointing her as Associate Professor in the Tamil Department and it has only been decided on technical reason that, the order of the appointment since has not been made available to the learned Judge for perusal and accordingly since the writ petition was dismissed, we are of the view that, the order of appointment since has been made available and according to the appellant, it has been filed along with the typed set of papers dated



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30.01.2013, though this factor has been denied by the learned Standing Counsel appearing for the respondent University, for the decision to be taken on merits with regard to the validity of the said order of appointment made in favour of the 2nd respondent, we feel that, this matter can be remitted back to the Writ Court for rehearing on merits and to decide the same after hearing both the parties. Resultantly, the following orders are passed in this appeal.

That the impugned order is set aside. As a sequel, the matter is remitted back to the Writ Court. The learned Judge is hereby requested to take up the writ petition and decide the same on merits as expeditiously as possible by giving opportunity to both the parties.

7. With these directions, this Writ Appeal is ordered accordingly.

However, there shall be no order as to costs.

[R.S.K., J.] [K.B., J.]
27.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
Sgl



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To
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