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W.P.No.15382 of 2020

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 17.12.2024**

**CORAM :**

**THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.No.15382 of 2020  
and  
WMP.Nod.19241 & 19243 of 2020

Punniyamoorthy

.. Petitioner

Versus

1. The State of Tamil Nadu,  
Rep. by its Principal Secretary to Government,  
Higher Education Department,  
Secretariat, Fort St, George,  
Chennai - 600 009.
2. Anna University,  
Rep. by its Registrar,  
Anna University, Guindy,  
Chennai - 600 025.
3. The Dean,  
Anna University,  
Regional Campus,  
Coimbatore - 641 046.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the impugned order dated 09.10.2020 of Letter. No. 351/AU/CCC/E5/2020 which was addressed to the Deans of all Regional Campuses and University College of Engineering, and quash the same as illegal,



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arbitrary and devoid of merits and consequently direct the third respondent herein to grant me the existing privilege leave status as under the leave Rules of Anna University to the absorbed staff members.

For Petitioner : Mr.M.Velmurugan  
For R1 : Mr.C.Jaya Prakash  
Government Advocate  
For R2 & R3 : M/s. Meenakshi Sundaram

### **ORDER**

This writ petition has been filed challenging the impugned proceedings of the second respondent in 351/AU/CCC/E5/2020 dated 09.10.2020 and for a consequential direction to the third respondent herein to grant the existing privilege leave status under the leave Rules of Anna University to the absorbed staff members.

2. The case of the petitioner is that he was initially recruited and appointed under the second respondent /Anna University. After his appointment, there were merger and de-merger of regional campus in the second respondent. Hence, there were *lacunae* in the confirmation and regularisation of staff. The first respondent therefore constituted a committee vide G.O.(M.S) No.452 Higher Education Department to conduct an with respect to employment status of the



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staff and recommendations were made thereunder for absorption and regularisation for the petitioner. However, the first respondent had issued another G.O.No.91 to conduct an enquiry as to whether the appointment of the petitioner is proper. The petitioner had already challenged the G.O.No.91 which had affected his regularisation even though he has completed more than 2 years of his service including his probation and regularisation granted to him in writ petition No.6096 of 2020. The said writ petition is *Subjudice* before this Court after an order of *status quo* dated 09.03.2020 was passed. By the virtue of the *status quo* order the petitioner is entitled to enjoy all the service benefits including the grant of leave as provided under the Anna University Leave Rules. At this juncture, the second respondent issued the impugned order dated 09.10.2020 curtailing the leave benefits of the petitioner on the guise of "Non-absorption staff members", which is arbitrary, illegal and unconstitutional. Hence, this writ petition.

3. Today, when the matter is taken up for consideration, the learned Government Advocate appearing for the first respondent submitted that in a batch of writ petitions, this court already disposed of in WP.No.7140 of 2020 etc. batch in favour of the petitioner by order dated 30.01.2024 and the issue



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covered in this writ petition has been dealt with. Further, in para 12 of the affidavit, WP.No.15382 of 2020 was referred by the petitioner and this writ petition was ordered. The learned Government Advocate further submitted that Five Member Committee report was submitted in which it was mentioned that all the appointments made were irregular appointments and that was put to challenge in a batch of writ petition in which the learned Judge passed the order quashing the report by the Five Member Committee. The observations made in the said judgment are profitably extracted below:

*"35. In view of the above stated reasons, these Writ Petitions are disposed and the report of the Five Member Committee, dated Nil, constituted by the Registrar of Anna University, Chennai, under G.O.Ms.No.91, Higher Education (II) Department dated 14.07.2017 is hereby quashed and the first respondent is directed :*

*(i) to issue orders to all those regular employees who have been working in the erstwhile unamalgamated Anna Universities of Technology for allotting them either to the amalgamated Anna University of Technology, other educational institutions or Government departments, depending on the vacancy position with continuity service and all other consequential and attendant benefits and in compliance of Section 33 (9)(a) & (b) of Chapter VIII of the Principal Act, by making due consultations with the stakeholders mentioned in the said provision, if necessary.*



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(ii) *While doing so, if any difficulties or discrepancies are encountered due to any difference in giving the job title, appropriate orders for re-designation shall be issued with due pay protection.*

(iii) *If there are still more difficulties faced due to short of vacancies in the sanctioned posts, it is inevitable to create excess posts in order to get all those regular staffs of the erstwhile unamalgamated Universities re-allotted as mandated under Section 33 (9)(a) & (b) of Chapter VIII of the Principal Act and hence the said process shall be done at the earliest as an one-time measure.*

(iv) *Such one-time measure shall also be made in respect of all those employees who have been appointed on ad-hoc basis and whose services have been utilised for all these years without any break, but still remain without regularisation.*

*It is obligatory on the part of the Government to take all appropriate steps to fulfil its own promise and formulate any scheme for creating new posts, issuing / re-issuing / consolidating of any of the existing Government Orders already issued with necessary amendments as an complete one-time measure and complete the transition process without allowing the employees to have unnecessary anxieties of their job security. All appropriate orders in the line of the above direction shall be passed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions are closed."*

**4. In view of the above order passed by this Court in WP.No.7140 of 2020 etc. batch, in para 35, the impugned order stands quashed. Since the**



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**Five Member Committee report has been quashed by this Court the petitioner is entitled for all the benefits as prayed for in this writ petition.**

**5. The learned Government Advocate further submitted that the above order will be complied by the respondents / Anna University within a period of four weeks.**

**6. The respondents 2 and 3 are directed to settle the benefits to which the petitioner is entitled in the light of the orders passed by this Court in WP.No.7140 of 2020 batch cases as well as in the writ petition in WP.No.6096 of 2020, within a period of six weeks from the date of receipt of a copy of the order.**

**7. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.**

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Index : Yes / No  
Internet : Yes / No  
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To

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Higher Education Department,  
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