



WEB COPY



W.P.No.32696 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.07.2024

PRONOUNCED ON : 30.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.32696 of 2023
and W.M.P.Nos.32305 of 2023 & 20398 of 2024

Dr.V.Prabudoss

... Petitioner

-Vs-

1. Government of Tamilnadu,
Rep. by its Principal Secretary
to Government,
Higher Education (H1) Department,
Fort St. George, Chennai – 600 009.

2. Annamalai University,
Rep. by its Registrar,
Annamalai Nagar,
Chidambaram,
Cuddalore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records on the file of the first respondent in G.O(D).No.320 dated 03.11.2023, insofar as the petitioner is concerned and to quash the same as illegal, incompetent and without jurisdiction.



WEB COPY



W.P.No.32696 of 2023

For Petitioner : Mrs.V.Srimathi

For Respondents

For R1 : Mr.C.Jayaprakash
Government Advocate

For R2 : Mr.P.Kumaresan
Additional Advocate General
Assisted by Mr.S.Sithirai Anandam

ORDER

This writ petition has been filed challenging the order passed by the first respondent in G.O.Ms.No.320, Higher Education (H1) Department, dated 03.11.2023 insofar as the petitioner is concerned, thereby redeployed the petitioner for the period of three years on agreement basis, as per the Acts and Statutes of Tamil Nadu Agricultural University subject to the terms and conditions.

2. The petitioner had joined in the Department of Agricultural Microbiology in the second respondent university on 10.01.2003 as Lecturer. Thereafter he was promoted to the post of Associate Professor. He is qualified with National Eligibility Test and he belongs to Schedule Caste community. While being so, the government passed order that 92 members are excess in the agricultural department in the second respondent university in which 15 posts were declared as surplus in the



W.P.No.32696 of 2023

Agricultural Microbiology department. Therefore, the government had recommended redeployment of certain surplus staff to reduced financial burden. Accordingly, the petitioner was declared as surplus and he was posted in the Maize Research Station, Vagarai, Dindugul District. Aggrieved by the same, the petitioner filed the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the requirement of faculty is based on the courses offered and the number of student's enrolment. As far as Agricultural Microbiology is concerned, it is four years course for under graduation. The course period for post graduate is two years and for doctorate is three years. That apart, there will be five teaching staff due to retire. Without taking into consideration of these factors, now the petitioner was declared as surplus and deployed to other department that too not in the same cadre.

3.1. That apart, the petitioner is a nodal officer of UGC SC/ST cell of the second respondent university. The respondents failed to follow the rule of reservation while redeploying the petitioner. The petitioner belongs to Schedule Caste community. Because of the redeployment there is huge shortage for Schedule Caste and Tribe. Nearly 37 posts of



W.P.No.32696 of 2023

professors, 17 post of Associate Professors and 25 Assistant Professors are in deficit. The rule of reservation of 19% had not been followed and it is gross violation of Article 16 of the Constitution of India.

4. The second respondent filed counter and the learned Additional Advocate General submitted that number of teaching staff required for faculty on agricultural is determined by the sanctioned students intake by the Indian Counsel of Agricultural Research (hereinafter referred to as "ICAR"). As per the total enrolment of students vary over the academic years and the total number of surplus teachers are identified as 95 for the academic year 2023-24. As per the regulation of ICAR, there will be a students - teacher ratio is 30:1 for practical classes and a ratio of 60:1 for theory classes for all under graduate programmes. As per the ICAR Model Act (revised in the year 2023), the minimum teaching staff requirement for microbiology course for B.Sc.,(Hons.), Agricultural and B.Sc., (Hons) Horticulture has not been explicitly stated, since microbiology is considered as an allied subject by ICAR. Therefore, the government redeployed those 92 surplus teacher from the second respondent to Tamil Nadu Agriculture University on deputation basic for a period of three years that too on agreement.



W.P.No.32696 of 2023

WEB COPY

4.1. The second respondent university was taken over by the government and enacted Annamalai University Act, 2013. Thereafter none were appointed by the second respondent. Therefore, the rule of reservation will not be applied to the employees who were appointed prior to the enactment of 2013 Act. As per the second respondent university's policy decision of “last come first go”, the surplus staff were identified in which the petitioner is one among them.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. On perusal of records revealed that the government declared 92 posts in various departments as surplus for the academic year 2023-24. In the Agricultural Microbiology department, there were 15 posts declared as surplus. Accordingly, the petitioner was deputed for the period of three years on agreement basis in the Maize Research Station, Vagarai, Dindugul District. The petitioner belongs to Schedule Caste Community. Once the new Act had taken over the second respondent university by the government, the rule of reservation came into force. As



W.P.No.32696 of 2023

per the government order G.O.Ms.No.23 Adi Dravidar and Schedule tribe Welfare Department dated 16.02.2024, the government constituted a committee in order to ensure the strength of SC/ST and fill up the posts under SC/ST cadre. Accordingly, 19% reservation of SC/ST community are not maintained in the second respondent university.

7. That apart, the petitioner's wife is working as Assistant Executive Engineer/Operation and Maintenance in Cuddalore District in the TANGEDCO. As per the government order in G.O.Ms.No.930 Personnel and Administrative Reforms (Personnel.M) Department dated 26.07.1977, as far as the cases where either spouse is in service other than State government or local body service, the desirability of husband and wife being in the same place should, to the extent possible, be taken into account in making transfers. Therefore, without considering the above government orders as well as the rule of reservation, the petitioner was declared as surplus and posted in the Maize Research Station, Vagarai, Dindugul. Further, the post in which the petitioner was posted is also not equivalent to the post of Associate Professors. Admittedly, the deputed place is a research station, and though it is same cadre and same scale of pay, both are different job.



W.P.No.32696 of 2023

WEB COPY

8. That part, the second respondent itself extended time to join duty in Maize Research Station, Vagarai, Dindugul District, on agreement basis, till 30.06.2024, by the communication dated 11.01.2024. Further, in view of the interim order granted by this Court, still the petitioner is continuing as Associate Professors in the department of Agricultural Microbiology in the second respondent college.

9. In view of the above discussions, the government order passed by the first respondent insofar as the petitioner is concerned, cannot be sustained and liable to be quashed. Accordingly, order passed by the first respondent in G.O.Ms.No.320, Higher Education (H1) Department, dated 03.11.2023, as far as the petitioner is concerned, is hereby quashed.

10. Accordingly, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

30.07.2024

Index : Yes/No



W.P.No.32696 of 2023

Speaking/Non Speaking order

Neutral Citation : Yes/No

WEB COPY

rts



W.P.No.32696 of 2023

WEB COPY To

1. The Principal Secretary
to Government,
Government of Tamilnadu,
Higher Education (H1) Department,
Fort St. George, Chennai – 600 009.
2. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District.



WEB COPY



W.P.No.32696 of 2023

G.K.ILANTHIRAIYAN. J.

rts

ORDER IN
W.P.No.32696 of 2023
and W.M.P.Nos.32305 of 2023
& 20398 of 2024

30.07.2024