



W.P(MD)No.7238 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7238 of 2019 and
WMP(MD) No.7719 of 2019, 5797 & 5798 of 2019

C.Usharani

... Petitioner

Vs

1.The Registrar,
Anna University,
Sardar Patel Road,
Chennai-25.

2.The Dean,
University College of Engineering,
BIT Campus,
Trichy, Trichy District.

3.The Dean,
University College of Engineering,
Thirukkuvalai, Nagapattinam District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order in Proc.No.004 / TKV / PR 26/2019/ Deployment dated 08/03/2019 of the 1st respondent and quash the same as illegal.



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For Petitioner : Mr.P.Kandasamy
For Respondents : Mr.E.V.N.Siva
Standing Counsel

ORDER

The petitioner is an Assistant Professor in the Department of Computer Science, University College of Engineering, BIT-Campus, Tiruchirappalli. She was originally appointed as an Assistant Professor in the University College of Engineering, Thirukuvalai, Nagapattinam on 02.03.2011. The Dean, University College of Engineering, Trichy/the second respondent herein has passed an order, deploying the petitioner from Thirukkuvalai to the second respondent University College of Engineering, Trichy with effect from 07.08.2014, as there was a vacancy in Computer Science Department at University College of Engineering, Trichy. She was permitted to continue in the said post on deployment till 08.03.2019. The grievance of the petitioner is that by a proceedings of the first respondent in Proc.No.004/ TKV/ PR26/ 2019/ Deployment, dated 08.03.2019, the petitioner was reverted to the parent Institution i.e, University College of Engineering, Thirukkuvalai, with effect from 01.04.2019 and the same is under challenge in this writ petition.



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2.This Court, while entertaining this writ petition has granted an order of interim stay, by order, dated 27.03.2019, thereby, the petitioner is continued to work at University College of Engineering, Trichy.

3.The learned counsel appearing for the petitioner submits that the petitioner has been permanently absorbed at Tiruchirappalli Campus and therefore she cannot be redeployed to Thirukkuvalai Campus. The learned counsel by referring to the proceedings of the Anna University, Chennai, in Procs.No. 001/TRY/UCETK-67/2015, dated 09.11.2015 submits that the petitioner has been absorbed with Anna University, Chennai with effect from 01.08.2012 (FN), in pursuance to the 238th Syndicate Resolution. Therefore, the petitioner is the permanent employee of Anna University, Chennai and she is entitled to continue in Trichy Campus without any interruption. However, by the order impugned in this writ petition, the respondent University has redeployed her to Thirukkuvalai Campus and therefore, the order of redeployment is



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liable to be quashed. The learned counsel further submits that the petitioner has settled down at Trichy with her family and her children are pursuing education at Trichy. If she has been transferred to Thirukkuvalai, her entire family would be affected.

4.The learned Standing Counsel appearing for the respondent University by referring to the same proceedings, dated 09.11.2015 submits that this proceedings was pursuant to the Government Order in G.O.Ms.No.452, Higher Education (11) Department, dated 20.10.2015. By this Government Order, all the five campuses of Anna University have been merged with Anna University and therefore the petitioner, who was recruited at Anna University Campus, Thirukkuvalai has been treated as the Professor of Anna University and it cannot be treated that this petitioner has been permanently absorbed for Anna University, Tiruchirappalli Campus. The learned Standing Counsel further submits that the petitioner, who was originally appointed at Anna University, Thriukkuvalai has been deployed only to meet out the vacancy arose



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at Trichy. Since at present, there is a vacancy at Thirukuvalai, the petitioner was redeployed from Trichy to Thirukuvalai and therefore, she has to necessarily adhere to the proceedings of the respondent University. The petitioner has filed this writ petition, obtained an order of interim stay and continued to serve at Trichy. The University is managed to conduct the Courses at Thirukkuvalai, by engaging a temporary staff. According to the University Counsel, there are excess professors in Trichy and the petitioner has been paid from the accounts of the Thirukkuvalai Campus, as a surplus teacher.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner was originally appointed as Assistant Professor in the University College of Engineering, Thirukuvalai, Nagapattinam on 02.03.2011. Thereafter, she was deployed from Thirukuvalai to Tiruchirappalli in the year 2014. At that point of time, this petitioner has not raised any objections. When she has been



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redeployed after four years and reverted to Thirukkuvalai, by the order impugned in this writ petition, the petitioner has raised some objections as if that this petitioner has been permanently absorbed in the Anna University, Trichy. As per the Tamil Nadu University Laws (Amendment and Repeal) Act, 2011 (Tamil Nadu Act No.20 of 2011), all the five Regional Universities have been merged with the Anna University, thereby, the Professors, who are working in the Regional campuses were absorbed vide G.O.Ms.No.452, Higher Education (11) Department, dated 20.10.2015 to Anna University. The order of absorption based on aforementioned Government Order in pursuant to the Tamil Nadu University laws (Amendment and Repeal) Act, 2011 cannot be taken as a ground that this petitioner cannot be redeployed to the place, where she has been appointed. More over, the order of deployment and redeployment is on the ground of vacancy position in the respective Campuses Therefore, this Court is not inclined to interfere with the order impugned in this writ petition.

7. Accordingly, this writ petition is dismissed.



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Considering the submission made by the petitioner's counsel that the petitioner was allowed to work at Trichy Campus for nearly ten years and therefore, she has settled down at Trichy along with her children, the petitioner is permitted to submit a fresh representation, explaining her practical difficulties and concern along with the details of vacancy, if any and the respondent University shall consider the case of the petitioner sympathetically. This Court is of the view that the University must ensure that the professors are working in a comfortable environment, so that their services can be utilized effectively. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.12.2024

NCC:Yes/No

Index:Yes

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B.PUGALENDHI, J.

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