



W.A.(MD) Nos.1373 to 1396 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A.(MD) Nos.1373 to 1396 of 2024

and

**C.M.P.(MD) Nos.10640, 10642, 10643, 10644, 10645, 10646, 10647, 10649,
10650, 10652, 10654, 10656, 10658, 10660, 10662, 10651, 10653, 10657, 10659,
10661, 10663, 10664, 10665, 10666, 10667, 10668, 10670, 10671, 10673, 10676,
10678, 10672, 10674, 10680, 10681, 10677, 10679, 10816, 10817, 10822, 10824,
10829, 10830, 10831, 10832, 10834 & 10835 of 2024**

W.A.(MD)No.1373 of 2024:-

1.The Vice Chancellor,
Bharathidasan University,
Tiruchirappalli,
Tiruchirappalli District.

2.The Registrar,
Bharathidasan University,
Tiruchirappalli,
Tiruchirappalli District.

... Appellants

-VS-

1.R.Ravichandran,
Junior Assistant,
Registrar Office - H Section,
Bharathidasan University, Trichy - 24.



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2. The State of Tamil Nadu,
Represented by its Secretary to Government,
Higher Education Department,
St. George Fort,
Chennai.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 21.03.2024, passed in W.P.(MD) No.21753 of 2021.

For Appellants	: Mr.VR.Shanmuganathan Standing Counsel
For R1	: Mr.M.Ajmalkhan Senior Counsel Assisted by Mr.H.Mohamed Imran for M/s.Ajmal Associates
For R2	: Mr.S.P.Maharajan Special Government Pleader

COMMON JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The University is on appeals aggrieved by the order of the Writ Court,
directing it to maintain the designation of the petitioners before the Writ Court as
Assistants.



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2. The University issued a Notification on 08.01.2017 calling for applications from eligible persons for the post of Assistant. The petitioners in the Writ Petitions / first respondents in each of these Writ Appeals participated in the selection process and were selected for appointment.

3. As per the service rules of the University, they were appointed temporarily on daily wage basis on 10.04.2017. After lapse of one year, the first respondents in all these Writ Appeals were regularized in the post of Junior Assistant instead of being regularized in the post of Assistant. The first respondents in all these Writ Appeals filed Writ Petitions questioning the order dated 29.08.2019 and seeking a direction to the University to appoint them as Assistants in conformity with the Notification under which they were appointed.

4. Before the Writ Court, the University pleaded that there is a change in the existing nomenclature of the post of Assistant to that of Junior Assistant and excepting such change, there is no change in the service conditions. The resolution of the Syndicate of the University dated 06.10.2001, was relied upon.



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5. The Writ Court has held that the resolution of the Syndicate does not disclose any change in such designation. It only provides that existing Junior Assistants will be designated as Assistants and the post of Assistant was always retained.

6. Mr.VR.Shanmuganathan, learned Standing Counsel appearing for the University would seek to rely upon a subsequent Resolution of the Syndicate dated 22.01.2018, wherein, according to him, the Syndicate had decided that the Junior Assistant posts be re-introduced. The scale of pay for the post of Assistant in the University is Rs.3,200 - 85 - 4,900, but the same was revised as Rs.3,625 - 85 - 4,900 by the resolution of the Syndicate dated 28.12.2001.

7. It is the contention of Mr.VR.Shanmuganathan, learned Standing Counsel appearing for the University that the University Syndicate in its Meeting held on 22.01.2018 decided to adopt the pay matrix and pay cell on par with the employees of the Government of Tamil Nadu.



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8. According to the learned Standing Counsel appearing for the University, this resolution would in effect re-introduced the post of Junior Assistant, which was abolished in the year 2001. We are not able to read the resolution in the manner suggested by the learned Standing Counsel appearing for the University. This resolution, passed in 2018, states that the pay matrix and pay cell will be on par with the employees of the Government of Tamil Nadu. This resolution does not deal with the categorization of the employees.

9. Having called for applications for the post of Assistant, conducted a selection process, and appointed individuals to the position temporarily on a daily wage basis, the University cannot now rechristened them as Junior Assistants and place them in a lower pay matrix or pay cell. What the University is attempting is to conduct a selection process for a higher post, for which lower posts serve as a feeder category, and then appoint the selected candidates to the lower post. In our opinion, this is impermissible. The Writ Court has also observed that the University's service rules still provide for promotion from the post of Junior Assistant to Assistant. Therefore, a person, who has participated in the recruitment process for a higher post cannot be appointed to a feeder category



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position. Hence, we see no merit in the Writ Appeals. The Writ Appeals are therefore dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
smn2

[R.S.M., J.] [L.V.G., J.]
21.08.2024

To:-

The Secretary to Government of Tamil Nadu,
Higher Education Department,
St. George Fort,
Chennai.



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Common Judgment in
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