



W.P.(MD)No.16257 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16257 of 2024

R.Radha Krishnan

... Petitioner

Vs.

- 1.The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli-627 012.
- 2.The Vice Chancellor,
Manonmaniam Sundaranar University,
Tirunelveli-627 012.
- 3.The Director,
Centre for Study of Social Exclusion and
Inclusive Policy (CSSEIP),
Manonmaniam Sundaranar University,
Tirunelveli-627 012.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondents to permit the petitioner to rejoin in his duty without any delay and disburse the pending salary amount to the petitioner based on the petitioner's representations.

For Petitioner : Mr.M.Dhinakar
For Respondents : Mr.I.Thanveer Ashik
for Mr.M.Mahaboob Athiff



W.P.(MD)No.16257 of 2024

WEB COPY

ORDER

Heard Mr.M.Dhinakar, learned counsel for the petitioner and Mr.I.Thaveer Ashik, learned Counsel for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner has filed this writ petition seeking a Writ of Mandamus to the first respondent to permit the petitioner to rejoin his duty without any delay and disburse the pending salary amount to the petitioner based on the petitioner's representations.

4. The petitioner, who has been appointed as Data Entry Operator in the Centre for the Study of Social Exclusion and Inclusive Policy, availed medical leave due to his health condition. After the leave period was over, when the petitioner went to rejoin in duty, the respondent has not allowed the petitioner to join in service. Hence, the petitioner made a representation dated 12.02.2024 seeking to allow him to join in duty. But the same was not considered.



W.P.(MD)No.16257 of 2024

WEB COPY

5.The learned counsel for the petitioner submits that the appointment of the petitioner was made based on the resolution of the Syndicate dated 31.10.2008 initially for a period of five years and then the scheme was extended till now. He availed medical leave from 26.06.2023 to 01.08.2024. Thereafter, the petitioner was not allowed to rejoin in duty.

6.The learned counsel for the respondents submitted that the petitioner has been appointed on tenure basis and the tenure of the petitioner got expired and hence, the petitioner could not continue his employment under the Scheme. It is further stated that an order to that effect has also been passed by the authorities concerned. However, the petitioner has suppressed the said fact.

7.By way of rejoinder, the learned counsel for the respondents submitted that no such order has been served on the petitioner.

8.Even though the petitioner's appointment was on tenure basis, it appears that the said employment was renewed every year. However, as stated by the respondents, if orders have been passed terminating the petitioner's appointment at any point of time, the petitioner ought to have challenged the



W.P.(MD)No.16257 of 2024

same, instead of seeking direction to rejoin duty. Since the learned counsel for the petitioner submits that no such order has been served upon him, it would be appropriate on the part of the respondent to serve a copy of the order stated to be passed against the petitioner enabling him to seek further course of action in the manner known to law.

9.It is needless to point out that whenever a representation of this nature is made, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

10. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 12.02.2024 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this



W.P.(MD)No.16257 of 2024

order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

11. With the above direction, the Writ Petition stands disposed of.

No costs.

22.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ta

To

1. The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli-627 012.
2. The Vice Chancellor,
Manonmaniam Sundaranar University,
Tirunelveli-627 012.
3. The Director,
Centre for Study of Social Exclusion and
Inclusive Policy (CSSEIP),
Manonmaniam Sundaranar University,
Tirunelveli-627 012.



WEB COPY



W.P.(MD)No.16257 of 2024

R.N.MANJULA, J.

ta

W.P.(MD)No.16257 of 2024

22.07.2024