



W.P.(MD)No.21455 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.21455 of 2021

P.Prabhu

: Petitioner

Vs.

1.The Vice Chancellor,

The Tamil Nadu National Law University,

Navalurkuttapattu,

Dindigul Main Road,

Tiruchirappalli – 620 009.

2.The Registrar,

The Tamil Nadu National Law University,

Navalurkuttapattu,

Dindigul Main Road,

Tiruchirappalli – 620 009.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent through proceedings in Lr.No. 1724/REGR/TNNLU/2021-1 dated 21.09.2021 and to quash the same



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and further directing the respondents to reinstate the petitioner in the post of Junior Assistant.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

For Respondents : Mr.P.Karthick

Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned letter dated 21.09.2021 issued by the second respondent, rejecting the petitioner's request for reinstatement into service in the respondent University as a Junior Assistant on the ground that he has resigned from the said post and the Executive Council of the respondent University had also in their 39th meeting held online on 14.08.2021, resolved to decline the request of the petitioner for reinstatement. The second respondent has also stated that the petitioner's request dated 03.08.2021 for reinstatement has also become infructuous, as he is deemed to have forfeited his service.

2.The petitioner claims that only due to mental stress on account of the ill-health of his mother and that his presence being required for her medical treatment, he had submitted his resignation on 01.02.2021 to the respondent University which was subsequently



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withdrawn through his petition dated 03.08.2021, seeking for reinstatement. According to him wrongly, by total non-application of mind, the second respondent has rejected the petitioner's request for reinstatement by holding that the petitioner had resigned from service and his claim seeking for reinstatement has also become infructuous.

3.A counter affidavit has been filed by the respondents denying the contentions of the petitioner. They have stated that the petitioner was appointed in the year 2013 as Junior Assistant only on temporary basis and his appointment was periodically renewed every year. According to them the last period of the petitioner's appointment as the Junior Assistant ended on 31.01.2021. Due to the long absence of the petitioner from duty, they have decided not to renew his appointment for a further period. They have also stated that the petitioner submitted his resignation on 01.02.2021 and the same was accepted and therefore, the question of his reinstatement will not arise. They have also reiterated the reasons given in the impugned letter dated 21.09.2021, for rejecting the petitioner's request for reinstatement by stating that in the Executive Council meeting of the respondent University, held on 14.08.2021, a conscious decision was taken not to accept the petitioner's representation seeking for reinstatement.



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4.The following facts are not disputed:

a) The appointment of the petitioner as a Junior Assistant in the respondent University is only a temporary appointment as seen from the appointment order placed on record before this Court.

b) The appointment is only for a period of one year and the same has been periodically renewed by the respondent University every year from 2013 onwards.

c) Admittedly, the respondent University has not renewed the petitioner's appointment from 01.02.2021 onwards.

d) The petitioner has also submitted his resignation to the respondent University citing certain reasons including the reason that his mother is suffering from illness and his presence is required for her medical treatment on 01.02.2021.

e) Admittedly, the petitioner gave a representation through his petition dated 03.08.2021 to the respondent University seeking for his reinstatement after a gap of almost six [6] months from the date of his resignation letter.

f) The Executive Council of the respondent University has also considered the request of the petitioner seeking for his reinstatement along with similar other requests made by other employees of the respondent University and the Executive Council in its meeting held on 14.08.2021 has rejected the petitioner's request



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for reinstatement. The Executive Council comprises of important officials which includes a Judge of this Court.

g) Admittedly, the petitioner was on long leave.

5.For the foregoing reasons, this Court does not find any infirmity in the impugned letter dated 21.09.2021, rejecting the petitioner's request for reinstatement. Accordingly, there is no merit in this Writ Petition.

6.In the result, this Writ Petition stands dismissed. There shall be no order as to costs.

02.09.2024

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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ABDUL QUDDHOSE, J.

MR

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