



W.P(MD).No.23493 of 2022 & 2841 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 14.08.2024

ORDER PRONOUNCED ON : 19.08.2024

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).Nos. 23493 of 2022 & 2841 of 2023
and WMP(MD).Nos.17582 & 17583 of 2022
and 2642 & 2643 of 2023**

A.Arivuchudar

....Petitioner in both petitions

Vs

1.The Bharathidasan University
Represented by the Registrar
Trichy

2.The Vice Chancellor
Bharathidasan University
Trichy

3.The Registrar
Bharathidasan University
Trichy

4.The Syndicate
Represented by the Registrar
Bharathidasan University
Trichy

...Respondents 1 to 4 in both petitions

5.K.Panneer Selvam
Deputy Registrar
Office of the Registrar-D-Section
Bharathidasan University
Trichy 24

...5th Respondent in W.P.No.2841 of 2023



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Prayer in WP(MD).No.23439 of 2022 : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the seniority list dated 14.11.1989 in R.C.No.3033/B1/89 by the resolution, passed by the 4th respondent and which was been confirmed by the 3rd respondent and quash the same as illegal and consequently direct the respondent herein to restore the seniority list as per dated 25.02.1989 along with the adequate promotion accordingly and with all monetary benefits and to restore the deduction of pay anomaly from the wages within the time limit fixed by the Hon'ble Court and to pass such orders and further orders as may be deemed necessary on the facts and in the circumstances of the case the petitioner shall forever beseech this Hon'ble Court for its honourable consideration and for which act of kindness the petitioner shall as in duty bound, every prayer.

Prayer in WP(MD).No.2841 of 2023 : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the appointment of the 5th respondent in Na.Ka.No.B1/042178/2009 dated Nil as a Deputy Registrar, passed by the 3rd respondent and quash the same as illegal and consecutively direct the 3rd respondent to appoint the petitioner in the post of Deputy Registrar with the 1st respondent university by considering the date of appoint as Junior Assistant dated 23.03.1987 and to pass such orders and further orders as may be deemed necessary on the facts and in the circumstances of the case the petitioner shall forever beseech this Hon'ble Court for its honourable consideration and for which act of kindness the petitioner shall as in duty bound, every prayer.



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(In both petitions)

For Petitioner : Mr.S.M.Ramsiva

For R1 to R4 : Mr.V.R.Shanmuganathan

COMMON ORDER

W.P(MD).No.23493 of 2022 has been filed seeking to quash the seniority list dated 14.11.1989 and to restore the seniority of the petitioner with all consequential benefits. W.P(MD).Nos.2841 of 2023 has been filed challenging the promotion granted to the fifth respondent in the said writ petition on 16.12.2022.

2.According to the writ petitioner, he was appointed as a Junior Assistant in the respondent University on 23.03.1987 in the regular cadre and he was promoted as an Assistant on 15.12.1997. He was conferred with selection grade in the Assistant post on 19.04.2018. Later, he was promoted as Assistant Registrar on 26.08.2019. It is the grievance of the petitioner that on 25.02.1989, the respondent University had published a seniority list of Junior Assistants and he was placed at rank No.70. When the final list was published on 14.11.1989, the rank downgraded from 70 to 93.



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3.The petitioner had submitted a representation on 30.11.1989 regarding downgrading of the seniority. One Man Committee was appointed by the respondent University to look into the representation of the writ petitioner along with others. According to the petitioner, One Man Committee found in favour of the writ petitioner and requested the University to restore his seniority. Though several representations were addressed to the University, his seniority was never restored.

4.The petitioner had further contended that while he was working as an Assistant Registrar, a vacancy arose to the post of Deputy Registrar. The fifth respondent in WP(MD).No.2841 of 2023, is Junior to him. However, the respondent University has proceed to promote him as a Deputy Registrar. Based on the above said facts, both the writ petitions have been filed seeking to quash the seniority list dated 14.11.989 and the order of promotion granted to the fifth respondent in WP(MD).No.2841 of 2023.

5.The learned counsel appearing for the petitioner had contended that though the One Man Committee report found the case of the petitioner to be fit of restoration of seniority, the University has not acted upon it for several years. Therefore, he is constrained to file the present writ petition. The delay has occurred only due to the fact that the University authorities were giving



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hope and assured that his seniority would be restored as per One Man Committee. Hence, he prayed for allowing the writ petition.

6.Per contra, the learned counsel appearing for the University had contended that right from the post of Assistant, the petitioner is Junior to that of the fifth respondent. The fifth respondent was ahead of the writ petitioner while being promoted as an Assistant, the Section Officer also as an Assistant Registrar. In fact, the fifth respondent was two years senior in the cadre of Assistant Registrar to that of the writ petitioner. Therefore, when a vacancy arose to the post of Deputy Registrar, instead of the writ petitioner, the fifth respondent was considered and he was promoted and therefore, there is no violation of any seniority. He had further contended that a final seniority list published in the year 1989 cannot be challenged after a period of 30 years. Hence, he prayed for dismissal of both the writ petitions.

7.I have considered the submissions made on either side and perused the material records.

8.A provisional seniority list has been published by the respondent University in the cadre of Junior Assistants on 25.02.1989. After calling for objection from the concerned employees, a final list has been published



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on 14.11.2019 which is under challenge in the present writ petition. Only based upon this final seniority list in the cadre of Junior Assistant, promotion to the post of Assistant has been effected. The fifth respondent in WP(MD).No.2841 of 2023 has been promoted as an Assistant on 23.10.1996 wherein the petitioner was promoted as an Assistant only on 15.12.1997. The fifth respondent has been promoted as Section Officer on 20.08.2002 whereas the petitioner has been promoted as Section Officer only on 08.03.2011. The fifth respondent was promoted as an Assistant Registrar on 12.12.2017 whereas the petitioner has been promoted as Assistant Registrar only on 26.08.2019. Therefore, it is clear that right from 1989 promotions have been effected to the petitioner only based upon the final seniority list dated 14.11.1989 and the petitioner has not raised any dispute with regard to the said seniority list. After a period of 33 years, the present writ petition has been filed challenging the seniority list. Therefore, the writ petition is liable to be dismissed on the ground of delay and laches.

9. The petitioner has challenged the order of promotion granted to the fifth respondent in WP(MD).No.2841 of 2023 alleging that the fifth respondent is his Junior. The facts narrated above will indicate that the fifth respondent was promoted as an Assistant Registrar on 12.12.2017 whereas the petitioner was promoted as an Assistant Registrar only on 26.08.2019.



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10. Admittedly, the post of Assistant Registrar is the feeder category for being promoted as Deputy Registrar. In view of the seniority in the cadre of Assistant Registrar, the fifth respondent's name was considered and he was promoted as Deputy Registrar. The fifth respondent is retaining seniority over and above the writ petitioner right from October 1996 onwards. Therefore, the contentions of the writ petitioner that the fifth respondent has been erroneously promoted overlooking his seniority is neither factually correct nor legally sustainable.

11. In view of the above said deliberations, there are no merits in the writ petitions. Both the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

19 .08.2024.

Internet : Yes/No
Index : Yes/No
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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

W.P.(MD).Nos. 23493 of 2022 & 2841
of 2023 and WMP(MD).Nos.17582 &
17583 of 2022 and 2642 &2643 of
2023

19.08.2024