



W.P.No.13019 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.08.2025
CORAM

THE HONOURABLE Mr.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.13019 of 2016
and W.M.P.No.11378 of 2016

Dr.R.Marimuthu
Deputy Registrar,
Avinashilingam Institute for Home Science
and Higher Education for Women,
(Deemed University)
Coimbatore-641 043,
Residing at No.15, Avinasilingam 'A' Quarters,
Coimbatore – 641 043.

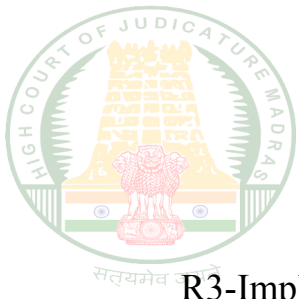
... Petitioner

Vs.

1.The Vice Chancellor and Chair Person of Syndicate,
Avinashilingam Institute for Home Science
And Higher Education for Women,
(Deemed University)
Coimbatore – 641 043,
Coimbatore District.

2.The Registrar (Incharge),
Avinashilingam Institute for Home Science
And Higher Education for Women,
(Deemed University)
Coimbatore – 641 043,
Coimbatore District.

3.The Secretary,
University Grants Commission
Bahadurshah Zafar Marg,
New Delhi – 110 002.



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R3-Impleaded as per order dt.
22.06.2018 by SPIJ
in W.M.P.No.5254 of
of 2013 in W.P.No.13019 of 2016

.....Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, to call for the records relating to the
proceedings of the 2nd respondent in No.AIHE & HS/2016/R/4 dated
31.03.2016 and quash the same.

For Petitioner	: Mr.D.Balachandran
For Respondents	: No appearance of R1 Mr.P.Bharat Kumar for R2 Mrs.V.Sudha for R3 Standing Counsel

ORDER

The captioned writ petition has been filed for issuance of a writ of certiorari assailing the order dated 31.03.2016 issued by the second respondent in No.AIHE & HS/2016/R/4, whereby the promotion of the petitioner to the post of Deputy Registrar was withdrawn and he was reverted to his original post of Assistant Registrar with effect from 01.04.2016.

2. The petitioner, while working as an Assistant Registrar, was



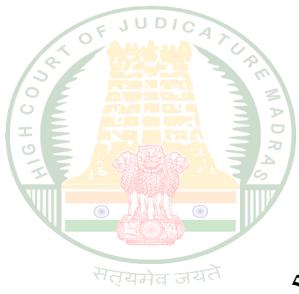
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promoted to the post of Deputy Registrar with effect from 01.03.2005 on account of the vacancy caused due to the appointment of Dr. (Mrs.) Gowri Ramakrishnan as Registrar. However, the promotion was made subject to the approval of the Syndicate and the University Grants Commission.

3. In the aforesaid circumstances, the impugned order came to be passed on the ground that the post of Deputy Registrar is not a sanctioned post. Aggrieved by the same, the present writ petition has been filed.

4. Learned counsel for the petitioner submitted that the post of Deputy Registrar has been in existence since 13.09.1991 and, from the said date, promotions were made to that post in favour of three other persons. On account of the promotion of Dr. Gowri Ramakrishnan, the petitioner was also promoted to the post of Deputy Registrar. Therefore, the impugned order passed by the second respondent reverting the petitioner to the post of Assistant Registrar is unilateral, arbitrary, and in violation of the principles of natural justice.



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5. Per contra, the learned counsel for the second respondent submitted that the post of Deputy Registrar was never approved or sanctioned by the University Grants Commission. In the absence of such sanction, the University was constrained to revert the petitioner to the post of Assistant Registrar. Hence, the impugned action cannot be faulted.

6. The arguments advanced by the learned counsel appearing for the parties and the materials placed on record have been duly considered.

7. The second respondent-University has placed on record a communication dated 13.01.2015 issued by the University Grants Commission, wherein it has been categorically stated that the post of Deputy Registrar cannot be treated as a sanctioned post on the recommendation of the UGC 8th Plan Visiting Committee, as the UGC had not conveyed its approval for the said post.

8. Subsequently, in a communication dated 10.05.2018, the University Grants Commission informed the second respondent-University that the post of Deputy Registrar was never approved and, therefore, the expenditure



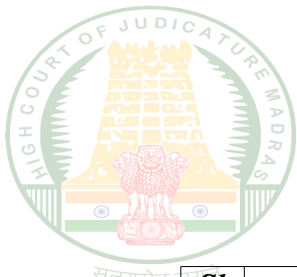
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incurred by the University towards the said post constitutes unauthorised expenditure and must be adjusted against the grants released by the UGC. It was further stated that the appointment made by the University is illegal. The second respondent-University thereafter addressed a communication dated 24.05.2018 to the University Grants Commission seeking post facto approval for the said post from 1991 onwards and assured that until such sanction was obtained, the post of Deputy Registrar would not be filled up after the retirement of the petitioner.

9. A perusal of the records further reveals that the second respondent-University, in its communication dated 04.12.2015 addressed to the UGC, furnished the list of persons who had held the post of Deputy Registrar since 13.09.1991. The said list is extracted below:

<i>Sl N o.</i>	<i>Name</i>	<i>Period</i>		<i>Vacant</i>		<i>Remarks</i>
		<i>From</i>	<i>To</i>	<i>From</i>	<i>To</i>	
1	Dr.Saroja Proabhakaran 2 years 1 month	13.09.1991	01.11.1993	02.11. 1993	31.10.1995	Appointed as Registrar on 02.11.1993 Appointed as VC on 14.09.2024. Retired on 31.05.2010.
2.	Mr V.Ravindranathan 1 year 8 months	01.11.1995	30.06.1997	01.07.1 997	26.10.1997	Assistant Registrar Promoted



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Sl No.	Name	Period		Vacant		Remarks
		From	To	From	To	
						on 01.11.1995. Retired on 30.06.1997
3.	Dr. Gowri Ramakrishnan 7 years 5 days	27.10.1997	31.10.2004	01.11.2 004	28.02.2005	Appointed on direct recruitment as Dy.Registra r, appointed as Registrar w.e.f. 01.11.2004. Retired on 31.10.2014.
4.	Dr.R.Marimuthu 10 years 9 months	01.03.2005	Till date	Date of retireme nt 30.06.2 018		Promoted from Assistant Registrar

10 . The petitioner had been discharging duties in the promoted post of Deputy Registrar since 2005. After permitting him to function in the said capacity for more than a decade, he cannot now be unilaterally reverted on the ground that the post of Deputy Registrar was not approved by the University Grants Commission, particularly when similarly situated persons had earlier been promoted to the very same post and were extended all consequential benefits attached thereto. Any such action would not only amount to discrimination violative of Article 14 of the Constitution of India



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but would also offend the principles of legitimate expectation, equity, and fairness in service jurisprudence.

11. In the light of the interim order granted by this Court, the petitioner continued to discharge his duties as Deputy Registrar without interruption and ultimately retired from service on attaining the age of superannuation on 30.06.2018. Having permitted the petitioner to continue in the post till the date of his retirement, it would be wholly inequitable to deprive him of the monetary benefits attached to the said post. The petitioner, having effectively functioned as Deputy Registrar till his superannuation, is entitled to have his pensionary and retiral benefits computed and settled on the basis of the last post held by him.

12. It is a well-settled principle of service jurisprudence that an employee who has continuously held a post till the date of retirement by virtue of an order of this Court, even if such continuance was under the umbrella of an interim protection, cannot be divested of the consequential monetary benefits arising therefrom. To hold otherwise would not only result in serious prejudice to the petitioner but also amount to penalising him for



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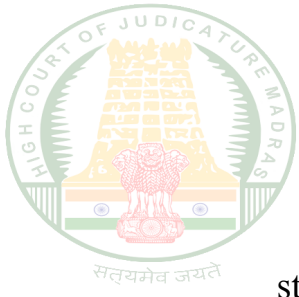
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having pursued his legal remedies. In the present case, since the petitioner continued in the post of Deputy Registrar and retired upon attaining the age of superannuation, the impugned order passed by the second respondent-University withdrawing his promotion and reverting him to the post of Assistant Registrar cannot be sustained in law. The petitioner is, therefore, entitled to all consequential monetary benefits, including proper fixation of his pension and terminal benefits, as admissible to the post of Deputy Registrar.

13. Accordingly, the writ petition stands disposed of with the following directions:

(i) The second respondent-University is directed to compute and release all retiral and pensionary benefits to the petitioner, as applicable to the post of Deputy Registrar, within a period of three (3) months from the date of receipt of a copy of this order.

(ii) Consequently, the connected Miscellaneous Petition



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stands closed. There shall be no order as to costs.

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msv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

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HEMANT CHANDANGOUDAR, J.



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