



W.P.No.2593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2593 of 2024

J.Vijila

... Petitioner

Vs

Anna University,
Rep.by the Registrar,
Guindy, Chennai-600 025.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings Memo.No.914/AU/UCE-NGL/CCC/EC1/2023 dt:15.12.2023 issued by the respondent and quash the same and consequently direct the respondent to change the date of the absorption from 08.07.2014 to 01.08.2012 as per Clause 11-viii of the G.O.Ms.No.452 Higher Education (11) department dt.20.10.2015 with all service benefits including seniority and monetary benefits.

For Petitioner : M/s.L.Parvinbanu

For Respondent : Mr.U.Bharanidharan,
Standing Counsel (Anna University)



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ORDER

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Challenging the order of rejection passed by the respondent in and by which, the petitioner's request for revision of her date of absorption from 08.07.2014 to 01.08.2012 has been rejected, the present Writ Petition has been filed.

2. The petitioner completed her B.Tech degree in Information Technology and M.Tech in Computer Science and Engineering. Pursuant to the recruitment notification issued by Anna University, the petitioner applied for the post of Lecturer/Assistant Professor and after participating in the selection process, she was appointed as Lecturer/Assistant Professor in the Department of Computer Science and Engineering in the Anna University, Tirunelveli on 12.08.2010. Subsequently, Anna University, Tirunelveli was merged with Anna University, Chennai. As per the provisions of Anna University Merger Act, 2011, certain faculties were absorbed from the date of merger i.e., from 01.08.2012 while others were placed under the category of excess faculties and the persons falling under such category, who possessed the required qualification were absorbed w.e.f, 08.07.2014 including the petitioner.



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3. Later, the services of some of those faculties were retrospectively absorbed w.e.f. 01.08.2012, however, the said benefit was not extended to the petitioner alone. Aggrieved by the same, the petitioner addressed a representation to the respondent requesting for revision of her date of absorption from 08.07.2014 to 01.08.2012. However, the said representation was rejected by the present impugned order dated 15.12.2023 on the ground that the petitioner did not possess the requisite qualification as per the recruitment notification and therefore, the revision of date of absorption is not feasible. Challenging the said rejection order, the present Writ Petition has been filed.

4. Learned counsel appearing for the petitioner submitted that, after merger, the petitioner was initially absorbed w.e.f 08.07.2014 along with other faculty members vide absorption order dated 22.10.2021. However, the benefit of retrospective absorption granted to similarly situated persons, who were absorbed w.e.f 01.08.2012 was not extended to the petitioner, despite the petitioner having fulfilled the requisite qualification as per the recruitment notification which is wholly contrary to G.O.Ms.No.452, Higher Education (11) department dated 20.10.2015. Hence, the impugned order passed by the respondent cannot be sustained. Accordingly, he prayed for allowing the Writ Petition.



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5. Per Contra, learned Standing Counsel appearing for the respondent reiterated the averments in the Counter Affidavit and submitted that the petitioner's appointment was categorised as 'Excess' vide G.O.(Ms).No.452 Higher Education (11) Department, dated 20.10.2015 and that the requisite qualification for the post of Lecturer/Assistant Professor as per the recruitment notification dated 04.03.2010, was M.E/M.Tech in Computer Science, whereas, the petitioner possess B.Tech degree in Information Technology and M.Tech in Computer Science and Engineering and thus it is clear that, it is due to the lack of requisite qualification, the petitioner could not be absorbed w.e.f 01.08.2012 on par with other faculties who are claimed to have been similarly placed to that of the petitioner and hence, the order impugned in this Writ Petition does not require any interference. Accordingly, he prayed for dismissal of the Writ Petition.

6. This Court has carefully considered the rival submissions and perused the materials available on record.

7. It is not in dispute that the petitioner was selected and appointed as Assistant Professor in Anna University, Tirunelveli pursuant to the recruitment process and that upon merger of Anna University, Tirunelveli with Anna University, Chennai, she was absorbed w.e.f. 08.07.2014 vide absorption order dated 22.10.2021. It is evident from the records that, several faculties who were



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similarly placed and categorized as excess were subsequently granted the benefit of retrospective absorption w.e.f. 01.08.2012 except the petitioner who is also similarly placed.

8. Though, it is the claim of the respondent that the petitioner did not possess the requisite qualification, there is no material to substantiate the said claim. In the absence of any such material and on careful perusal of the recruitment notification as well as the educational qualification of the petitioner, this Court is of the view that, when all the similarly placed persons have been granted the benefit of retrospective absorption, the denial of such benefit to the petitioner who is similarly placed, is in violation of principles of natural justice.

9. Further, when the G.O.Ms.No.452 dated 20.10.2015 contemplates uniform treatment of faculties subject to fulfilment of eligibility conditions and when the petitioner has satisfied such conditions, the benefit of absorption in respect of the petitioner alone cannot be withheld and the impugned order does not disclose any rational basis for singling out the petitioner for differential treatment and thus it suffers from arbitrariness and non-application of mind.

10. The reason attributed by the respondents for rejecting the claim of the petitioner is that though the petitioner has completed M.Tech. (Computer



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Science), however her bachelor degree is only in B.Tech. (IT) and since she has not done her B.Tech. (Comp. Science) her case was rejected. This Court is at a loss to understand as to the rational for arriving at such a reasoning. When the requisite qualification for holding the post is M.Tech. (Comp. Science) and the petitioner having done the same, it is immaterial as to whether the bachelor's degree of the petitioner is in Computer Science or IT. Even otherwise, it is to be pointed out that Computer Science and IT are pari materia courses which is known even to a layman and if really the intention of the respondents was to have persons who had done both the bachelor's and Master's degree in Computer Science, the respondents ought not to have selected the petitioner even at the first instance. Having satisfied and selected the petitioner for the said post, the respondents cannot go back and claim that the Bachelor's degree is not in Computer Science and it is IT and, therefore, the petitioner is not entitled for absorption as has been granted to other persons.

11. As pointed out, there is no material worth the mention on the basis of which the respondents could substantiate their impugned order and the impugned order is bereft of any particulars, except for the aforesaid bald reasoning, based on which the decision has been arrived at. Averring is one thing and substantiating the same is other thing and what is requisite while passing the impugned order is substantiation of the stand through relevant materials and in



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the absence of any materials on the basis of which the said order is passed, the order suffers the vice of arbitrariness, perversity, irrationality and unreasonableness, moreso, when the order passed is an unreasoned order which fails the test of intellectuality, which is writ large in the said order and, therefore, the same is liable to be set aside.

12. Accordingly, the Writ Petition is allowed and the impugned order dated 15.12.2023 is hereby set aside. The respondent is directed to revise the date of absorption of the petitioner as Assistant Professor from 01.08.2012 and grant all consequential service and monetary benefits arising therefrom within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

11.12.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J

Nhs

To

The Registrar,
Anna University,
Guindy, Chennai-600 025.

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