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W.P.No.32039 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.32039 of 2019

and

WMP.Nos.32293, 32295 & 32290 of 2019

M.Rathinasamy

...

Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary
to Government,
Department of Higher Education,
Secretariat, Fort St. George,
Chennai ? 600 009.

2. Anna University,
Rep. by its Registrar,
Anna University,
Chennai ? 600 025.

3. Centre for Constituent colleges,
Anna University,
Chennai 600 025.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus to call for the entire records of the 1st respondent relating to G.O.(Ms). No.452 Higher Education (11) Department dales 20.10.2015 insofar as its treats the petitioner as non-teaching staff



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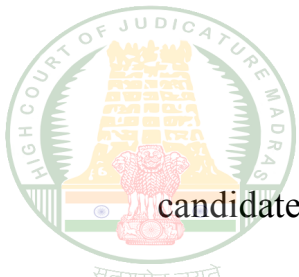
appointed in excess of the sanctioned strength and to quash the same to that extent and for a consequential direction to absorb the petitioner in the 2nd respondent University as a properly appointed candidate in the post of Deputy Manager (Finance) or in any other post of equivalent cadre and pay benefits and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mrs.Kavitha Rameshwar
For Respondents : Mr.S.Arumugam, Govt. Advocate for R1
: Mr.U.Baranidharan, Standing Counsel for R2

ORDER

Heard Mrs.Kavitha Rameshwar, learned counsel for the petitioner, Mr.S.Arumugam, learned Government Advocate for the 1st respondent, Mr.U.Baranidharan, learned standing counsel for the 2nd respondent and perused the materials available on record.

2.The petitioner has filed this writ petition seeking a writ of Certiorarified Mandamus to call for the entire records of the 1st respondent relating to G.O.(Ms). No.452 Higher Education (11) Department dales 20.10.2015 insofar as it treats the petitioner as non-teaching staff appointed in excess of the sanctioned strength and to quash the same to that extent and for a consequential direction to absorb the petitioner in the 2nd respondent University as a properly appointed



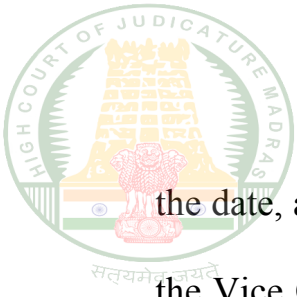
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candidate in the post of Deputy Manager (Finance) or in any other post equivalent cadre and pay benefits.

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3. The petitioner was initially appointed as Deputy Manager in the erstwhile Anna University of Technology, Coimbatore on 30.09.2018. From then onwards, he was continuously working in the Coimbatore campus. The petitioner has completed his probation on 14.10.2010 and an order has been issued in this regard by the Registrar of Anna University of Technology, Coimbatore on 22.01.2011. Later, the government of Tamil Nadu has taken a policy decision to merge all the five Anna Universities of Technology with the Anna University, Chennai, by bringing an amendment to Anna University Act. As per Section 15 of the Tamil Nadu University Laws (Amendment and Repeal Act 2011), Chapter VII has been added to the Principle Act namely the Anna University Act 1978. (hereinafter referred to as 'the Act').

4. As per Section 33(9) (a) &(b) of the Act to ensure that all those employees of the erstwhile regional Anna University of Technology will stand allotted to serve in connection with the affairs of the Anna University, Chennai or an educational Institution or a Government department, with effect on and from



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the date, as may be specified in such order. As prescribed under Section 33(9)(b), the Vice Chancellors of the Anna University constituted a scrutiny committee to effectively implement the reallocation. The scrutiny committee has submitted report by identifying the staff as teaching and non teaching staff categories and those appointed in excess of sanctioning strength and that appointment could certainly be turned as pay anomaly and improper appointments. In this regard a government order has been passed in G.O.(Ms.) No.452, dated 20.10.2015.

5. The petitioner was not aware whether he was placed under the right category. But the verification of certificate was done for certain staff and the petitioner has not been called for. The petitioner is also entitled to Section 33(9) (a) &(b) of the Act which has given job security for all those who have employed in the erstwhile regional universities. Since the petitioner got aggrieved, he has filed this writ petition to challenge the G.O.(Ms.) No.452, dated 20.10.2015, in so far it treats the petitioner as a non teaching staff appointed in excess of the sanctioned strength and quash the same to that extent with the consequential direction to absorb the petitioner in the 2nd respondents University in the post of Deputy Manager (Finance) or any other equivalent cadre and pay the benefits and pass orders.

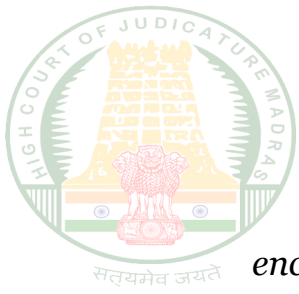


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6. Similarly placed persons have already filed a batch of writ petitions in ***WP.Nos.7140 of 2020 etc, batch*** dated ***30.01.2024*** in ***T.Pugazhenthii Vs. The Principal Secretary to Government and others***, challenging the G.O.Ms.No.91, Higher Education (I1) Department dated 14.07.2017. In the said writ petition, it is submitted that the Five Member Committee has unnecessarily classified the staff in various categories despite they have been given with pay protection. After hearing both sides elaborately, this Court has passed the following order:

"35. In view of the above stated reasons, these Writ Petitions are disposed and the report of the Five Member Committee, dated Nil, constituted by the Registrar of Anna University, Chennai, under G.O.Ms.No.91, Higher Education (I1) Department dated 14.07.2017 is hereby quashed and the first respondent is directed :

(i) to issue orders to all those regular employees who have been working in the erstwhile unamalgamated Anna Universities of Technology for allotting them either to the amalgamated Anna University of Technology, other educational institutions or Government departments, depending on the vacancy position with continuity service and all other consequential and attendant benefits and in compliance of Section 33 (9)(a) & (b) of Chapter VIII of the Principal Act, by making due consultations with the stakeholders mentioned in the said provision, if necessary.



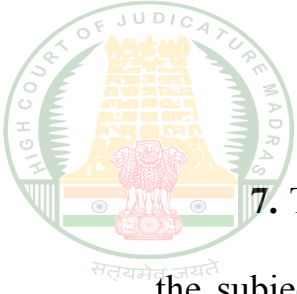
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(ii) While doing so, if any difficulties or discrepancies are encountered due to any difference in giving the job title, appropriate orders for re~designation shall be issued with due pay protection.

(iii) If there are still more difficulties faced due to short of vacancies in the sanctioned posts, it is inevitable to create excess posts in order to get all those regular staffs of the erstwhile unamalgamated Universities re~allotted as mandated under Section 33 (9)(a) & (b) of Chapter VIII of the Principal Act and hence the said process shall be done at the earliest as an one~time measure.

(iv) Such one~time measure shall also be made in respect of all those employees who have been appointed on ad~hoc basis and whose services have been utilised for all these years without any break, but still remain without regularisation.

It is obligatory on the part of the Government to take all appropriate steps to fulfil its own promise and formulate any scheme for creating new posts, issuing / re~issuing / consolidating of any of the existing Government Orders already issued with necessary amendments as an complete one~time measure and complete the transition process without allowing the employees to have unnecessary anxieties of their job security. All appropriate orders in the line of the above direction shall be passed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions are closed."



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7. The government order in G.O.Ms.NO.452 dated 21.10.2015 may not be the subject for challenge in the said writ petition. But subsequent government order issued in G.O.Ms.No.91, Higher Education (II) Department dated 14.07.2017 was passed consequent to G.O.Ms.NO.452 dated 21.10.2015, was set aside in WP.Nos.7140/2020 etc., batch.

8. In view of the above finding, this writ petition is **disposed** in similar terms as per the earlier order passed by this Court in ***W.P.Nos.7140 of 2020 etc, batch*** dated ***30.01.2024***. No costs. Consequently, the connected Miscellaneous Petitions are closed.

21.02.2025

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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R.N.MANJULA, J.

jrs

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To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Fort St. George,
Chennai ? 600 009.
2. The Registrar,
Anna University,
Guindy, Chennai ? 600 025.
3. The Centre for Constituent colleges,
Anna University,
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