



W.A(MD)Nos.1331 to 1334 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	20.02.2025
Pronounced on	18.07.2025

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)Nos.1331 to 1334 of 2023

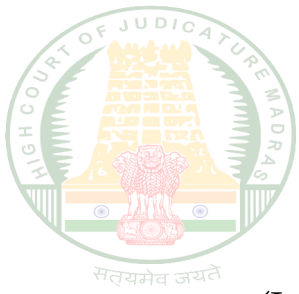
P.Antony Devadoss	... Appellant in W.A(MD)No.1331/2023
Prema	... Appellant in W.A(MD)No.1332/2023
Santhamani	... Appellant in W.A(MD)No.1333/2023
S.Paneer Selvi	... Appellant in W.A(MD)No.1334/2023

vs.

The Registrar,
Manonmaniam Sundaranar University,
Abhisekapatti, Tirunelveli-627 012. ... Respondent in all appeals

PRAYER : Writ Appeals filed under Clause 15 of the Letters Patent, against the common order dated 11.04.2022 made in W.P(MD)Nos.25693, 25700, 25703 and 25704 of 2019.

For Appellant(in all WAs)	: Mr.G.Prabhu Rajadurai
For Respondent(in all WAs)	: Mr.H.Mahaboob Athiff



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COMMON JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

These intra-court appeals are filed against the common order dated 11.04.2022 made in W.P(MD)Nos.25693, 25700, 25703 and 25704 of 2019.

2. The facts leading to the filing of these writ appeals are as follows:

The respondent University vide notice dated 26.02.2023 called for applications for the post of skilled NMR. The said notification prescribed the qualification of UG degree and knowledge in computer application. On submission of the application, the appellants attended the written examination, interview and certificate verification. Thereafter, they were appointed on daily wages in the respondent University on 05.10.2006, 03.04.2009, 04.12.2006 and 15.02.2006 respectively and they were assigned the work of Junior Assistant / Tabulators / NMRs / OAs. According to the appellants, the nature of work for the post of skilled NMRs as well as Junior Assistant is similar in nature. In the years 1997, 2002, 2007 and 2009, the respondent



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University regularised the similarly placed persons in the post of Junior

Assistant by providing grace time to qualify themselves as per the statute. In the year 2014, the appellants as well as other similarly placed persons requested the respondent University for the benefit of regularisation as done in respect of earlier batch-mates. They also approached this Court by filing W.P(MD)Nos.20377 to 20398 of 2014 and this Court by order dated 22.07.2015 directed the respondent to consider the case of the appellants and others. Pursuant thereto, the Convenor Committee of the respondent University recommended the names of the appellants for absorption. The said recommendation was to absorb the person even who are partly qualified. Even thereafter, on 20.07.2015, the respondent University resolved to absorb one Vannadurai in the post of Junior Assistant by granting exemption from having second class in graduation. However, by placing reliance upon the decision of the Hon'ble Supreme Court in the case of *State of Karanataka vs. Umadevi* reported in **2006 (4) SCC 1**, the respondent disengaged the appellants from the service from 31.08.2018, 28.08.2018, 20.08.2018 and 31.08.2018 respectively and thereafter for the first time, the respondent University published a notification dated 31.07.2018



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calling for application to fill up the post of Junior Assistant through

direct recruitment. Though the appellants' disengagement were

challenged in W.P(MD)Nos.17521 of 2019 etc batch and this Court vide

order dated 03.08.2018 restrained the respondent from taking a final call

in the selection, the respondent University proceeded with the selection

process. According to the appellants, even thereafter, the respondent

vide proceedings dated 27.08.2018 extended the benefit of regularisation

to similarly placed persons. Thereafter, by order dated 02.07.2019,

though this Court disposed of the writ petitions in W.P(MD)Nos.17521

of 2019 etc batch, with a direction to review the disengagement orders in

respect of the appellants, the respondent University once again in

violation of the said order, rejected the case of the appellants for

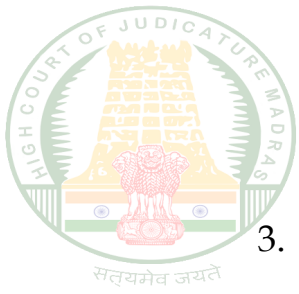
regularisation. Against the said proceedings, the appellants filed the

present writ petitions and the Writ Court placing sole reliance upon

Umadevi's case, confirmed the action of the respondent University and

dismissed the writ petitions. Aggrieved by the said order, the writ

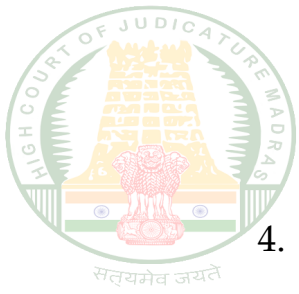
petitioners have come forward with these appeals.



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3. Assailing the impugned common order, learned counsel

appearing for the appellants would contend that the conduct of the respondent in regularising some of the similarly placed persons and denying the same for the appellants is discriminative in nature. He further submitted that despite the appellants were appointed after being successful in the written examination and interview, their claim for regularisation was rejected, stating that they do not possess the requisite qualification at the time of their initial appointment which clearly exhibits *mala fide* intention on the part of the respondent. It is also submitted that the action of the respondent in having extracted work from the appellants for more than 12 years and not taken any action to fill up the vacancies, led to a legitimate expectation in the minds of the appellants and therefore, the duty is cast upon the respondent to consider the plight of the appellants where they have crossed the age limit for appointment to any other job and they are left without any source of livelihood. It is further contended that the principles that would apply to back door appointments cannot be simply transported to the cases where a process of selection is strictly followed.



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4. The learned counsel for the appellants would further contend that despite the Convenor Committee made a recommendation to the Syndicate for regularisation of the appellants in the year 2015, the respondent without any rhyme or reason, kept the matter pending without placing the same before the Syndicate for approval, which shows the attitude of the respondent to thwart the attempt of the appellants in getting regularisation. The extraction of work of permanent character from the appellants in a temporary arrangement under lower salary itself is a kind of exploitation. In support of the above contentions, the learned counsel relied on the following decisions:

(i) Union of India and others vs. Central Administrative Tribunal and others reported in 2019 (4) SCC 290.

(ii) 2025 SCC Online Page 221.

(iii) The Madurai Kamaraj University vs. K.Ravikumar [W.A(MD)No.981 of 2023].

(iv) 1980 (2) SCC 437.

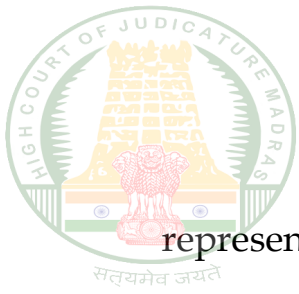
(v) M.S.Sanjay vs. Indian Bank (Civil Appeal No.1188/2025).

Thus, the learned counsel would pray for setting aside the common order passed by the Writ Court and to allow the writ petitions.



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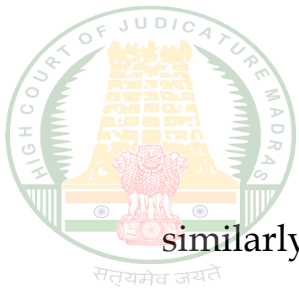
Per contra, the learned counsel appearing for the respondent would contend that the appellants were not appointed against any sanctioned post, but were engaged only on need basis as daily wage NMRs since they lacked statutory qualification for being appointed on regular basis and in view of the fact that University Statues empower the Vice Chancellor to engage temporary staffs in case of exigencies. However, in view of the fact that as per the directions of this Court, the University is to undertake regular recruitment by following the mandate of Articles 14 and 16 and that a notification has been issued in this regard on 31.07.2018, and apart from that, the exigency for which the appellants were engaged had come to an end and it is not economically feasible for the university to continue their contractual employment, the appellants were disengaged by the orders of the respondent dated 31.08.2018. The orders of disengagement came to be assailed by the appellants in W.P(MD)Nos.20222, 20223, 20754 and 20228 of 2018 and the learned Single Judge upheld the recruitment notification and had not interfered with the disengagement orders of the appellants. At that juncture, the appellants made a plea for consideration of their



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representations in view of the fact that certain other employees had in the past been regularised by the University. Accordingly, the Court permitted the appellants to prefer representations for regularisation along with all supportive documents with a direction to the University to consider the representations in accordance with the Act and Statute of the University.

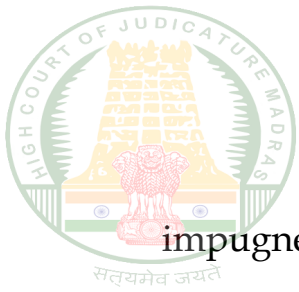
6. The learned counsel further contended that in compliance with the orders of this Court, the respondent considered the representations of the appellants and rejected it on the ground that they do not possess the statutory qualification for the post of Junior Assistant and that as per the University Act and Statute, the only mode of bringing a person into the services of the University is by direct recruitment or promotion. Further, this Court in W.P(MD)No.2368 of 20212 dated 02.03.2018, had mandated that all future appointment should be made strictly in accordance with the University Statute and the law laid down in Umadevi's case. Therefore, regularising the appellants would amount to violating the said order of this Court. Though the appellants sought regularisation claiming parity with



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similarly placed employees, even assuming without admitting that certain employees without qualification had been regularised in the past, the same would be illegal and the appellants cannot claim equality in illegality and demand the same illegal benefit to them in view of the order of this Court in W.P(MD)No.2368 of 2012 where it has been directed that all future appointment should be made strictly in accordance with the statute of the University. Besides, in W.P(MD)No. 23182 of 2018 etc batch, this Court had specifically directed the University to complete the recruitment process and make appointments by direct recruitment in respect of Junior Assistants who were selected pursuant to the recruitment notification of the University and therefore, there are no vacancies to consider the appellants.

7. The learned counsel would further contend that the statute of the University as it stands does not permit grant of relaxation to any employee except to members belonging to SC/ST category that too as regards age by 5 years. Therefore, the appellants cannot seek this Court to direct the University to grant relaxation by invoking its legislative power. Thus, the learned counsel for the University would state that the



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impugned order being in consonance with the University Act and Statute and also the judgment of the Hon'ble Supreme Court, is not liable to be interfered with. Accordingly, he would pray for dismissal of the writ appeals.

8. Heard both sides.

9. The crux of the contention made by the appellants is that they were appointed on daily wages in the respondent University after successful in the written examination, interview and certificate verification and despite the similarly placed daily wage NMRs were regularised, even by giving relaxation in some cases, the said benefit of regularisation was not extended to the appellants. The case of the respondent University is that the appellants were engaged only on need basis as daily wage NMRs and further they lacked statutory qualification for being appointed as Junior Assistant on regular basis. Though the University Statute empowers the Vice Chancellor to engage temporary staff in case of exigencies, in view of the order passed by this Court W.P(MD)No.2368 of 2012, dated 02.03.2018, wherein, this Court



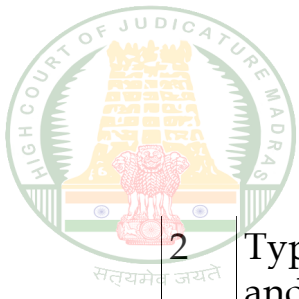
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directed that all future appointments are to be made strictly in accordance with the statute of the University and the law laid down in Umadevi's case, the respondent University was not in a position to consider the case of regularisaion, as regularising the appellants at this juncture would amount to violating the abovesaid order of this Court.

10. Perusal of the orders impugned before the Writ Court shows that the statutory qualification for being appointed as Junior Assistant are that a candidate should possess a Bachelor's degree of a University (50 percent or II Class); should have passed Typewriting Higher in Tamil and English; should possess knowledge in Tamil to draft reports and should not have completed 33 years of age on the date of recruitment. However, the appellants lack following qualifications as per the rejection orders impugned before the Writ Court:

(i) P.Antony Devadoss/Appellant in W.A(MD)No.1331/2023:

Sl. No	Statutory Qualification	Reason for disqualification
1	Bachelor's degree of a University (50 percent or II Class)	B.A (Maths) with less than 50%



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2	Typewriting Higher in Tamil and English	
3	Knowledge of Tamil to draft reports	Lacks the said ability
4	Should not have completed 33 years on the date of recruitment	

(ii) P.Prema/Appellant in W.A(MD)No.1332/2023:

Sl. No	Statutory Qualification	Reason for disqualification
1	Bachelor's degree of a University (50% or II Class)	You have a B.Com with III Class
2	Typewriting Higher in Tamil and English	
3	Knowledge of Tamil to draft reports	
4	Should not have completed 33 years on the date of recruitment	

(iii) P.Santhamani/Appellant in W.A(MD)No.1333/2023:

Sl. No	Statutory Qualification	Reason for disqualification
1	Bachelor's degree of a University (50% or II Class)	B.Com III Class
2	Typewriting Higher in Tamil and English	Tamil Lower
3	Knowledge of Tamil to draft reports	Lacks the said ability



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4 Should not have completed 33 years on the date of recruitment

(iv) S.Panneerselvi/Appellant in W.A(MD)No.1334/2023:

Sl. No	Statutory Qualification	Reason for disqualification
1	Bachelor's degree of a University (50% or II Class)	You have a B.A with III Class
2	Typewriting Higher in Tamil and English	
3	Knowledge of Tamil to draft reports	Lacks the said ability
4	Should not have completed 33 years on the date of recruitment	

11. Thus, it could be seen that the appellants have not possessed the requisite qualification as per the statutes of the respondent University and therefore, when the need for which they were engaged, came to end, their engagement as daily wage NMRs, were discontinued. Even in Umadevi's case (supra), the Apex Court acknowledged that there might be a case for a one-time measure to regularize those who have been working for a long time in irregular appointments, provided they meet certain criteria. In the case on hand, the appellants lack statutory

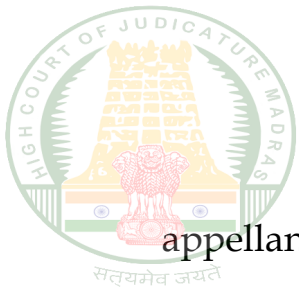


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qualification for the post of Junior Assistant as per the statute of the

WEB COPY University and therefore, they are not entitled to be regularised to the post of Junior Assistant. As rightly contended by the learned standing counsel for the respondent University, even assuming that certain employees without qualification had been regularised in the past, the same would be illegal and the appellants cannot claim equality in such illegality and demand the same illegal benefit to them in view of the order of this Court in W.P(MD)No.2368 of 20212, dated 02.03.2018, wherein, this Court has directed that all future appointment should be made strictly in accordance with the statute of the University.

12. Perusal of the orders dated 24.11.2009, 07.01.2015, 09.02.2010 and 09.06.2009 respectively, by which, the appellants were placed on consolidated pay, clearly discloses that such consolidated pay fixation of the appellants is purely temporary and they are liable to be terminated at any time and they cannot claim any privilege or seniority to appoint them in the respondent University on permanent basis. Thus, it could be seen that consistently the respondent University has reiterated that the engagement of the appellants is purely temporary and that the



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appellants have no vested right to seek regularisaion as a matter of right.

Thus, the disengagement of the appellants cannot be found fault with and the Writ Court has also rightly dismissed the writ petition which does not warrant interference by this Court.

13. Accordingly, all the Writ Appeals stand dismissed. No costs.

[J.N.B, J.] [S.S.Y, J.]
18.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

The Registrar,
Manonmaniam Sundaranar University,
Abhisekapatti,
Tirunelveli-627 012.



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W.A(MD)Nos.1331 to 1334 of 2023

J.NISHA BANU, J.
AND
S.SRIMATHY, J.

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PRE-DELIBERY COMMON JUDGMENT MADE IN
W.A(MD)Nos.1331 to 1334 of 2023
DATED : 18. 07.2025