



W.P.(MD)No.19692 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.19692 of 2025

and

WMP (MD) Nos.15147 and 15150 of 2025

P.Vellaiyammal

: Petitioner

Vs.

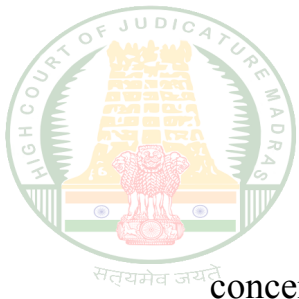
1. The State of Tamil Nadu,
Rep by its Secretary to Government
Higher Education Department
St.George Fort, Chennai.

2. The Vice Chancellor,
Bharathidasan University,
Trichy, Trichy District.

3. The Registrar,
Bharathidasan University,
Trichy, Trichy District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.P1/33350/2016 dated 29.08.2019 and quash the same as illegal in so far as appointing the petitioners as Assistants is



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concerned and consequently to direct the respondents to appoint the petitioners as Assistant strictly in conformity with notification issued by the 3rd respondent vide his notification in No.B1/33350/2016 dated 08.01.2017 and confer all other service and monetary benefits with effect from the date of our initial appointment including the salary within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
M/s.Ajmal Associates

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1
Mr.V.R.Shanmugathan for R2 and R3

ORDER

The instant writ petition has been filed by the Junior Assistant working in the respondent University challenging the order of her appointment dated 29.08.2019, wherein, she has been appointed as Junior Assistant, instead of Assistant, for which a notification was issued by the respondent University.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. When the matter was taken up for hearing, the learned counsels on both sides, submitted that the issue involved in this writ petition is squarely covered by the order of this Court dated 01.10.2024, passed in W.P.(MD) Nos.23267 and 23268 of 2024 (***G.Siva and another Vs. The State of Tamil Nadu, Rep. by its Secretary to Government, Higher Education Department***). The relevant portion of the order is extracted hereunder:

“3.The issue is no longer res integra.

Similar batch of petitions in W.P(MD)No.21753 of 2021 have been filed before this Court and this Court was pleased to allow the petitions on 21.03.2024 with a direction to the University authorities to treat the appointment of the petitioners therein to the post of Junior Assistant as appointment to the post of Assistant from their respective date of absorbtion and extend all other consequential benefits. The order of the writ Court was challenged by the University in W.A(MD)Nos. 1373 to 1396 of 2024. The Hon'ble Division Bench of this Court has dismissed those writ appeals on



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21.08.2024 and the operative portion of the order is
extracted as follows:

"9. Having called for applications for the post of Assistant, conducted a selection process, and appointed individuals to the position temporarily on a daily wage basis, the University cannot now rechristened them as Junior Assistants and place them in a lower pay matrix or pay cell. What the University is attempting is to conduct a selection process for a higher post, for which lower posts serve as a feeder category, and then appoint the selected candidates to the lower post. In our opinion, this is impermissible. The Writ Court has also observed that the University's service rules still provide for promotion from the post of Junior Assistant to Assistant. Therefore, a person, who has participated in the recruitment process for a higher post cannot be appointed to a feeder category position. Hence, we see no merit in the Writ Appeals. The Writ Appeals are therefore dismissed. No costs. Consequently, connected



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Miscellaneous Petitions are closed."

4.In view of the above said facts, the order impugned in the writ petitions is set aside insofar as the writ petitioners are concerned and there shall be a direction to the respondent University to absorb the petitioners as Assistant from the date of their respective appointment and confer all other consequential benefits."

4. In view of the above, the order impugned in the writ petition is set aside and there shall be a direction to the respondent University to absorb the petitioner as Assistant from the date of her appointment and confer all other consequential benefits.

5. .Accordingly, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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