



WP.(MD)No.21467 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.11.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.21467 of 2021

and

WMP.(MD)No.18032 of 2021

Manonmaniam Sundaranar University
Rep by its Registrar,
Tirunelveli 627012
Tirunelveli District.

... Petitioner

Vs.

S.Sankaravalli

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the impugned award dated 07.05.2021 passed by the Labour Court, Tirunelveli in I.D.No.19 of 2019 and quash the same as illegal.

For Petitioner : Mr.Ajmal Khan,
Additional Advocate General,
Assisted by
Mr.Jasmin Yasmin

For Respondent : Mr.D.Saravanan



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ORDER

Manonmaniam Sundaranar University has filed this writ petition as against the award passed by the Labour Court, Tirunelveli in I.D.No.19 of 2019 dated 07.05.2021.

2.The above said industrial dispute was raised by the respondent herein under Sections 2A(2) and 2(ra) of the Industrial Dispute Act to set aside the oral order of termination dated 29.08.2018 and to reinstate her with backwages and other attendant benefits. The Labour Court by its award dated 07.05.2021 has partly allowed the industrial dispute by setting aside the termination order dated 29.08.2018 and directed the University to reinstate the respondent with backwages, within a period of three months from the date of the award. Aggrieved by this award, the University has preferred the present writ petition.



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3.The case of the respondent before the Labour Court was that she was engaged as NMR in the petitioner/University, on 09.09.2014 and she was paid Rs.220/- per day as wages from 09.09.2014 to March 2015. Then, she was paid Rs.10,000/- per month as consolidated pay from April 2015. While so, she was terminated from service on 29.08.2018. Therefore, she has raised the industrial dispute, after the conciliation report of the Assistant Commissioner of Labour, Tirunelveli and the same was allowed as stated supra.

4.The case of the petitioner is that the respondent was engaged as unskilled NMR in the petitioner/University as Office Assistant, on 09.09.2014, on daily wage basis. She was not appointed through employment exchange and she was not having any qualification as per the statutes of the University. The other skilled and unskilled employees, who have been engaged like the respondent, were also terminated and the respondent was terminated along with 43 skilled NMRs, on 29.08.2018.



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5.The learned Additional Advocate General appearing for the University by relying on the orders of this Court in WP(MD)Nos.16673 to 16678 of 2023 dated 14.10.2025, submits that the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 would not be applicable for the employees of the University and this Court has already passed a similar order in WP(MD)Nos.16673 to 16678 of 2023 by referring to the judgment of the Hon'ble Supreme Court and the order passed by this Court. He also submits that similarly placed persons, who have been engaged as NMR in the University, have filed writ petitions before this Court as against the disengagement memo dated 28.08.2018 in WP.(MD)Nos.19209 of 2019 etc., batch and this Court by its order dated 02.07.2019 has disposed of those writ petitions with a direction to the University to consider the case of the NMR employees to engage them in any of the vacancies in the University. The request of all these similarly placed employees was rejected by the University and therefore, further litigations have been raised before this Court in another batch of writ petitions in WP.(MD)No.25693 of 2019 etc., batch and this



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Court has rejected those writ petitions by its order dated 11.04.2022. Yet another writ petitions in WP.(MD)Nos.5436 & 5438 of 2020 filed by the similar employees were also rejected by this Court by an order dated 19.12.2022 that they are not filled up by public employment by way of notification. However, this Court has directed the University to provide some age relaxation to those employees, in the event if they apply for the subsequent selection process. Some of those employees, who have lost the writ petitions, have also filed writ appeals in WA. (MD)Nos.1331 of 2023 etc., batch and the same were also dismissed by this Court that they have no vested right to seek regularization as a matter of right. Therefore, the learned Additional Advocate General submits that the issue has already been settled more than once and therefore, this writ petition needs to be allowed.

6.The learned counsel appearing for the respondent submits that the respondent was engaged as a NMR in the year 2009 and she has been continuously engaged by the University till 2018. Some of the similarly placed employees, who have



been engaged as NMRs, have also been regularised by the University. However, they are not regularizing the services of this petitioner alone. He further submits that the respondent is having requisite qualifications and she has completed B.A., (History) in second class and also possesses typewriting qualification.

7.This Court has considered the submission of the learned counsel on either side and perused the materials placed on record.

8.The respondent has raised industrial dispute under Sections 2A(2) & 2(ra) of the Industrial Dispute Act. The Labour Court has raised the following points for determination:-

1.Whether the Tamil Nadu Industrial Establishment (Conferment/permanent Status to workman) Act, 1981 is applicable to the petitioner/workman in the respondent University?

2.Whether the termination order is liable to be set aside?

3.Whether the Industrial Dispute is to be allowed? Or not?



The Labour Court has answered that the respondent is entitled for regularization as per Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 and that she has been continuously engaged in the employment for more than 480 days.

9. Whether the University can be termed as that of industry has already been decided by the Hon'ble Supreme Court in ***University of Delhi and another Vs. Ram Nath and Others, reported in (1963) 2 LLJ 335*** that imparting education is not industry as the work of the University cannot be accumulated to the position of trade, business calling for service and hence, it cannot be termed as an industry.

10. Yet another judgment in ***Ruth Soren Vs. Managing Committee, East I.S.S.D.A reported in (2001) 2 SCC***, the Hon'ble Supreme Court held that Educational Institutions are not establishment as defined under the Shops and Establishments Act, 1947. Following the same ratio, this Court in a batch of writ petitions filed by the similar persons in WP.



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(MD)Nos.25693 of 2019 etc., batch, has rejected their claim by an order dated 11.04.2022. The Division Bench of this Court in WA.(MD)No.1331 of 2023 etc., batch has also confirmed the same that the appellants therein lack statutory qualification for the post of Junior Assistant as per the statute of the University.

11.In view of the above cited judgments, this writ petition is allowed and the impugned order passed by the Labour Court, Tirunelveli in I.D.No.19 of 2019 dated 07.05.2021 is hereby quashed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
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To

The Labour Court, Tirunelveli



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B.PUGALENDHI,J

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