

W.P.(MD).Nos.918 and 919 of 2017

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 06.02.2025**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD).Nos.918 and 919 of 2017**  
**and**  
**W.M.P.(MD)Nos.769 and 771 of 2017**

**W.P.(MD).Nos.918 of 2017:**

R.M.Nagarajan

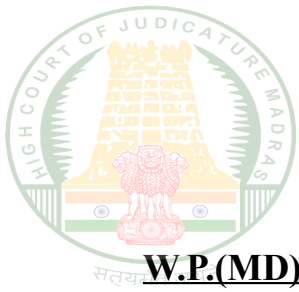
... Petitioner

**Vs.**

The Registrar,  
Gandhigram Rural Institute,  
Deemed University,  
Gandhigram,  
Dindigul District.

... Respondent

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records relating to the proceedings of the impugned orders in Estt. 2/3/5/CIR./Temporary/2016-2017/2226, dated 16.11.2016 and 2001/Est. 5/2016-17/2823 and 2001/Est.5/2016-17/2854, dated 30.12.2016, of the respondent and to quash the same and further to direct the respondent to absorb the petitioner into regular cadre as Clerk cum Typist under the respondent University.



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**W.P.(MD).Nos.919 of 2017:**

K.Bharathiraja

... Petitioner

**Vs.**

The Registrar,  
Gandhigram Rural Institute,  
Deemed University,  
Gandhigram,  
Dindigul District.

... Respondent

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records relating to the proceedings of the impugned orders in Estt. 2/3/5/CIR./Temporary/2016-2017/2226, dated 16.11.2016 and 2001/Est. 5/2016-17/2823 and 2001/Est.5/2016-17/2854, dated 30.12.2016, of the respondent and to quash the same and further to direct the respondent to absorb the petitioner into regular cadre as Technical Assistant under the respondent University.

**In both cases:**

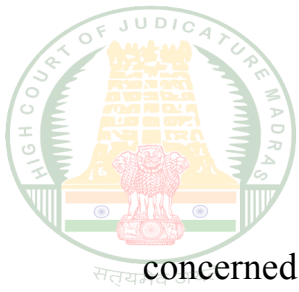
For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.MA.P.Thangavel

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**COMMON ORDER**

These writ petitions are filed for issuance of Writ of Certiorarified Mandamus, to quash the impugned orders, dated 16.11.2016 and 30.12.2016 and to direct the respondent University to absorb the petitioners in regular cadre to



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concerned posts.

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2. The petitioner in W.P.(MD)No.918 of 2017 has completed SSLC in the year 1992, Higher Secondary Education in the year 1994, B.A. Cooperation, M.A. in Cooperative Management and M.Phil., in Commerce. From 01.06.1999 to 30.09.1999, the petitioner was working as Field Investigator in the Department of Cooperation with the respondent University. Thereafter, temporarily appointed as Clerk cum Mess Manager in the Doctor.S.Radhakrishnan's Hostel with respondent University on a consolidated pay of Rs.1,500/- per month from 01.10.1999 till 06.07.2005. On 13.06.2005, the Warden of the said hostel recommended the petitioner for a suitable job with the respondent University, then he was appointed as a Clerk in the office of the Coordinator, B.Ed., Integrated Program, Department of Education, with the respondent University on a daily wage basis at the rate of Rs.225/- per day from 01.02.2008. Thereafter the said post was extended by several orders. On 25.07.2014 the petitioner was appointed as temporary Clerk cum Typist on contract basis in the Department of Education on a daily wage basis at Rs.290/-per day, then the order was extended on 25.07.2014 and 03.06.2015. The respondent passed an order dated 15.07.2015 appointing the petitioner as temporary Clerk cum Typist on contract basis in the Department of Education on a consolidated salary basis at Rs.7,800/- per month for a period of 6 months with



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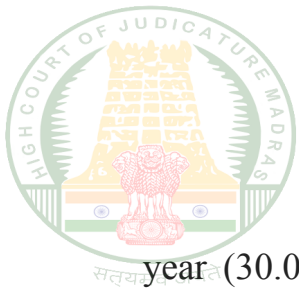
effect from 03.07.2015 and then extended on 06.01.2016. The contention of the petitioner is that on 23.03.2016, the University Grants Commission approved the respondent University for filling up of sanctioned of teaching and non-teaching posts in a phased manner as per actual requirement of university after intimating to UGC. Unfortunately, the respondent University has not followed the said order till date. On 17.08.2016, the respondent passed an order and the petitioner was appointed as temporary Clerk cum Typist on contract basis in the Department of Education on a consolidated salary basis at Rs.10,500/- per month for the period from 08.07.2016 to 07.01.2017. On 16.11.2016, the respondent passed an office order that the Deans/Directors/HODs/Coordinators / Section Heads may relieve the Temporary Non-Teaching (including Technical) Staff members appointed by them immediately when their period of temporary appointment is over or on 30.12.2016, whichever is earlier, by issuing necessary order of notice period to the concerned temporary staff members. Following the same, on 30.12.2016, the respondent passed two office orders, relieving and appointing several persons, including the petitioners as Lower Division Clerk in the Department of Computer Science and Applications with respondent University under outsourcing agency. The outsourcing agency will provide consolidated salary at Rs.6,500/- per month. Aggrieved over the same, the petitioners sent representations, dated 02.01.2017 and requested that the petitioners may be permitted to continue their service under



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the respondent University instead of the outsourcing agency. But the respondent did not consider the same. Aggrieved over the same, the petitioner had preferred the present writ petition.

3. The petitioner in W.P.(MD)No.919 of 2017 had passed SSLC in the year 2002, completed Higher Secondary Education in the year 2004, completed B.A. Economics in the year 2007, there studied M.Sc. (IT). From 07.04.2010 to 30.06.2011 the petitioner was working as Computer Operator in Dr.G.Ramachandran Library with the respondent University. Thereafter, temporarily appointed as Technical Assistant in the Department of Education from 01.07.2011 in which the petitioner is serving till today. On 30.04.2010 the petitioner was appointed as Temporary Computer Operator to operate computers in the E Journals section in the main library of the respondent university on consolidated pay of Rs.4,500/- per month on contract basis for a period from 07.04.2004 till 06.10.2010. On 26.11.2010 the petitioner was engaged as Temporary Computer Operator on consolidated salary of Rs.6,300/- for a period of 6 months with effect from 11.10.2010, then through order dated 19.08.2011 continued for another 6 months from 01.07.2011 for the same salary. Then on 19.01.2012 appointed as Temporary Computer Operator in the Department of Education on contract basis with effect from 04.01.2012 till the end of academic



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year (30.04.2012) on consolidated pay of Rs.6,300/- and the several extension orders were passed. On 16.07.2014 an order was passed appointing the petitioner as Temporary Computer Operator for a period of 11 months with effect from 01.07.2014 with consolidated pay of Rs.8,200/- and subsequently extended on 03.07.2015 and 06.07.2015. On 01.08.2016 an order was passed appointing the petitioner as Temporary Computer Operator for a period of 11 months with effect from 01.07.2016 with consolidated pay of Rs.11,000/- per month. The contention of the petitioner is that on 23.03.2016, the University Grants Commission approved the respondent University for filling up of sanctioned of teaching and non-teaching posts in a phased manner as per actual requirement of university after intimating to UGC. Unfortunately, the respondent University has not followed the said order till date. On 16.11.2016, the respondent passed an office order that the Deans/Directors/HODs/Coordinators / Section Heads may relieve the Temporary Non-Teaching (including Technical) Staff members appointed by them immediately when their period of temporary appointment is over or on 30.12.2016, whichever is earlier, by issuing necessary order of notice period to the concerned temporary staff members. Following the same, on 30.12.2016, the respondent passed two office orders, relieving and appointing several persons, including the petitioners as Lower Division Clerk in the Department of Computer Science and Applications with respondent University under outsourcing agency.



The outsourcing agency will provide consolidated salary at Rs.6,500/- per month.

Aggrieved over the same, the petitioners sent representations, dated 02.01.2017 and requested that the petitioners may be permitted to continue their service under the respondent University instead of the outsourcing agency. But the respondent did not consider the same. Aggrieved over the same, the petitioner had preferred the present writ petition.

4. The Learned Counsel appearing for the respondent submitted that from the date of impugned order, dated 16.11.2016 and 30.12.2016, the petitioners are continuing their service under outsourcing agency alone and their salary is increased every year. As on date, the petitioners are receiving Rs.22,680/-. During the course of hearing this Court directed the Learned Counsel appearing for the respondent to ascertain whether there is any intention to decline job to the petitioners. The learned Counsel appearing for the respondent submitted on instructions that there is no such intention and the petitioner will be continuing in service through outsourcing agency.

5. After hearing the rival submissions, this Court is of the considered opinion that the respondent University being an employer is having right to take policy decision regarding the employment. Even according to the petitioners, the



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University Grants Commission has directed the University to fill up the sanctioned teaching and non-teaching staff in a phased manner “as per the actual requirement”. The actual requirement details would be available with the respondent University and they are the appropriate person to ascertain what is their actual requirement. Based on the actual requirement and financial status, the respondent has taken a policy decision to continue the petitioners’ service under consolidated pay and subsequently, revised the policy decision to take the petitioners into service under outsourcing agency method. Therefore, this Court is not inclined to interfere with the impugned orders.

6. However, the respondent University is directed to continue to the service of the petitioners until their superannuation. As far as the petitioner in W.P. (MD)No.918 of 2017 is concerned the petitioner is aged 50 years, lost opportunity to participate in recruitment process and he had put in long service and he has to take care of his family. As far as the petitioner in W.P.(MD)No.919 of 2017 is concerned the petitioner is aged about 37 years, lost the age to participate in recruitment process and he had put in long service and he has to take care of his family.

7. With the above said directions, the writ petitions are disposed of. No



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costs. Consequently, connected miscellaneous petitions are closed.

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**06.02.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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To

The Registrar,  
Gandhigram Rural Institute,  
Deemed University,  
Gandhigram,  
Dindigul District.



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**S.SRIMATHY, J.**

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